THE IRE JOURNAL

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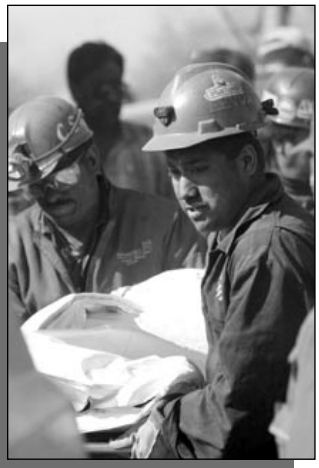

ABOUT THE COVER
Guadalupe Ibarra Franco, right, is comforted by her sister, Sandra Guadalupe Avitua Ibarra during a funeral service for Guadalupe's husband and two sons in San Juan de Aura, Coahuila. The three died when a mine flooded with water.

Cover story, pages 20-35

Cover photo by
Jerry Lara, *San Antonio Express-News*

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Investigative passion, efforts accelerating around the world

BRANT HOUSTON

Last year, IRE representatives went to Brazil twice after the brutal murder of journalist Tim Lopes by drug lords in Rio de Janeiro. We went to talk about investigative journalism and the value of forming an IRE-like organization. Lopes disappeared on June 2 – hauntingly the same date that IRE member Don Bolles was fatally wounded by a car bomb 26 years earlier in Phoenix.

The invitations to Brazil came from Rosental Alves, a friend of Lopes and a Brazilian journalist who is now a Knight Chair at the University of Texas in Austin. He also invited Pedro Armendares, the director of IRE's fellow organization in Mexico, Periodistas de Investigacion.

Alves is overseeing a large Knight Foundation grant to train journalists in Latin America and he felt it deeply important that Brazilian journalists hear first hand how valuable investigative journalism organizations can be for training and for self-protection. After the second visit in December, Brazilian journalists voted to create their own IRE – the Brazilian Association of Investigative Journalism.

This is just one wave in an oceanic surge in investigative reporting worldwide.

As you will see in this issue, the journalistic passion for uncovering misdeeds and for exposing the abuse of the poor and weak is increasing on every continent. Almost weekly, we hear of new projects and groups overseas keen to emulate the work of IRE and its members.

There are now IRE-like associations not only in Brazil, but also in Mexico, the Philippines, Sweden, Denmark, Norway, Germany, Romania and Bulgaria, to name just a few. At our IRE annual conference here in the United States, more than 10 percent of those who attend now come from abroad and our training for foreign journalists, both in the U.S. and overseas continues to grow.

IRE began with the idea of journalists helping journalists do better investigative stories. Our efforts mostly stayed within the U.S. borders in the first two decades, although IRE, and especially former Board president Joe Rigert, encouraged the participation of foreign journalists and also the formation of similar organizations, particularly in Sweden.

Lack of funds or easy routes of communication hampered us, however, and it was all we could do with our limited resources to work within U.S. borders.

But in the past decade, we've taken significant steps to reach out to our international colleagues. We created IRE-Mexico (now Periodistas), consulted with foreign journalists on stories and on forming organizations, worked with the international program here at the Missouri School of Journalism and its director Fritz Cropp, and developed relevant training materials.

Key to our efforts has been IRE member and volunteer David Kaplan *of U.S. News & World Report* and Board member Stephen Miller of *The New York Times*. Kaplan, a veteran international reporter and a visionary in this area, has organized conference panels, raised funds, spoken to visiting journalists countless times and traveled widely to do seminars.

Miller also has traveled internationally to train on IRE's behalf, worked to raise funds, and been a constant booster of our organization's efforts to work with journalists outside the U.S.

We also have been helped by other groups including The World Press Institute, led by former IRE executive director John Ullmann; The International Consortium for Investigative Journalists; the Committee to Protect Journalists; the London-based NetMedia; and most recently the International Center for Journalists.

Two years ago we joined with our Danish colleagues to co-sponsor the first-ever Global Investigative Journalism Conference. More than 300 journalists from 44 countries attended and we are holding the second conference this May. (See page 29) At this year's conference, we foresee the creation of an international network of investigative journalism organizations who will share training and resources.

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Brant Houston is executive director of IRE and the National Institute for Computer-Assisted Reporting. He can be reached through e-mail at brant@ire.org or by calling 573-882-2042.

"Extra! Extra!" debuts as IRE Web feature

Check out the new IRE Web feature "Extra! Extra," which highlights investigative reporting found on the Web sites of newspapers, broadcast outlets and online newsrooms.

The Web log is an extension of the "Hot Story" and online investigations page of IRE's resource center. It will be compiled by journalist Derek Willis from stories he and the IRE staff choose, and then edited by IRE staff.

The feature, found at www.ire.org, will be updated several times a week and will link to the highlighted stories on the Web. "Extra! Extra!" also will have links to past featured stories, categorized by topic, until they are available through the more extensive IRE Resource Center archives.

The story listing is just one more effort to help IRE members stay up to date on the latest in investigative stories and techniques. Readers are encouraged to submit ideas and story tips to extraextra@ire.org.

IRE joins group seeking open war-time reporting

IRE joined a coalition of 16 journalism groups urging the Bush Administration to abide by guidelines the Pentagon and media groups established after the 1991 Persian Gulf War if an invasion of Iraq occurs.

The plea came as the coalition issued an updated Statement of Principles first released a year ago. The journalism groups urged the government to ban military censorship of news reports.

Journalists remember how their hands were tied a decade ago in trying to give Americans a full understanding of how the Gulf War was waged, the groups said. That served neither the military nor the public, and it is a mistake that should not be repeated.

Visit www.ire.org/history/pr/military_reporting.html for more information and to view the statement.

IRE members win honors in education reporting

Several IRE members received awards at the 2002 National Awards for Education Reporting. First-place winners include:

- Karen Ayres of *The Times* in Trenton, N.J., in Investigative Reporting (circulation under 100,000) for the report "Out of Jail and Into Classrooms."
- Julian E. Barnes of *U.S. News & World Report* in the National Magazine category for the report "S.A.T. Revolution."
- Ronald Campbell, Maria Sacchetti, Keith Sharon and Sarah Tully Tapia of *The Orange County Register* in Investigative Reporting (circulation over 100,000) for the report "Missing The Mark."
- Jodi S. Cohen of *The Detroit News* in Breaking or Hard News for a year of coverage of lawsuits challenging the University of Michigan's affirmative action admissions.
- Eric Eyre and Scott Finn of the *Charleston Gazette* for Series or Group of Articles for the report "Closing Costs: The Long Haul and Broken Promises."
- Laure Quinlivan of WCPO-Cincinnati in Hard News and Investigative Reporting for the report "Lawrenceburg Education Fund."

Shuttle resources include federal contracts database

Within a couple of hours after the Saturday-morning space shuttle disaster, IRE staff had collected valuable newsroom resources and made them available at www.ire.org. The materials continue to be updated.

They include past investigative work regarding the shuttle or space program, breaking news and backgrounding Web links, GAO and NASA safety reports and federal contracts data.

The data on NASA contracts comes from fiscal years 1992-2001. Space shuttles have been through several renovation projects over the years. For each fiscal year, NASA records 10,000-11,000 contracts for a large variety of work. Among other things, the data shows companies involved, including locations, and amounts involved. To obtain the data, call the Database Library at 573-884-7711.

Updates ...

- *The IRE Journal* has won its second consecutive Folio: Editorial Excellence Award. *The Journal* won the silver award in the publishing/journalism category. The magazine industry honor is awarded based on how well a nominee articulates and adheres to its editorial mission, the quality of its content and, to a lesser extent, its overall design.
- Senior contributing editor Steve Weinberg has added two titles to his list of the best investigative books of 2002, which appeared in the January-February edition:
  - — Tom Koch, "Scarce Goods: Justice, Fairness, and Organ Transplantation" (Westport and London, Praeger Books).
  - — Diane Renzulli, "Capitol Offenders: How Private Interests Govern Our States" (Center for Public Integrity).

MEMBER NEWS

Ken Armstrong is now on the investigative team at *The Seattle Times*. Armstrong was with the *Chicago Tribune* until September 2002, covering legal affairs and criminal justice issues. Between the *Tribune* and *The Times*, he was a visiting professor at Princeton for one semester, during which he taught a criminal justice writing class. ■ **Vince Beiser** has left *Mother Jones* to work on a book about the history of prisons. Beiser was a senior editor at *Mother Jones* and often worked in the areas of criminal justice and prisons. His book should be released in the fall of 2003. ■ **Ian Demsky**, after completing an internship with *The Miami Herald*, has moved to the state desk at *The* (Nashville) *Tennessean*. Demsky worked for IRE and NICAR while pursuing his master's degree from the Missouri School of Journalism. ■ **Francis Donnelly** has moved from the business desk of *The Detroit News* to the metro desk. Originally a statewide correspondent, Donnelly is now an enterprise and projects reporter. ■ **Matt Goldberg** is now the senior investigative producer at KNBC-Los Angeles, which is in the process of building a larger investigative unit. Goldberg was formerly with KCBS-Los Angeles. ■ **Adam Goldman**, previously a reporter for *The Birmingham News*, has moved to Las Vegas to cover Nevada's gambling industry for The Associated Press. ■ **Jonathan Groves** has moved from online editor to assistant managing editor of the *Springfield* (Mo.) *News-Leader*. ■ **Kerry Hall** has joined *The Charlotte Observer* as an investigative reporter. Hall was previously with the Greensboro *News & Record*, where she was a business reporter. ■ **Dianna Hunt**, an IRE board member, is now the assistant government affairs editor for the *Fort Worth Star-Telegram* and oversees government and political coverage. Hunt was previously on the *Star-Telegram*'s investigative team. ■ **S. Mitra Kalita** has been elected president of

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Send Member News items to Len Bruzzese at len@ire.org and include a phone number for verification.

Planning under way for IRE's Annual Conference

The top names in investigative journalism are expected to take part when print and broadcast journalists converge on Washington, D.C., June 5-8 for the IRE Annual Conference.

Ben Bradlee, former executive editor of *The Washington Post*, will keynote the conference that will be held at National Press Club and the nearby JW Marriott Hotel. Other speakers include the investigative team of Donald Barlett and James Steele of *Time* magazine and Bob Woodward of *The Washington Post*.

The conference, hosted by the Press Club, *The Washington Post* and *U.S. News & World Report*, will feature more than 80 panels and workshops and more than 150 speakers. Other sponsors include The Gannett Foundation, the International Center for Journalists, American University, *USA Today* and the Poynter Institute for Media Studies.

The conference will include special Sunday sessions focused on improved writing. Most of Thursday will be devoted to computer-assisted reporting and its uses for everyday reporting. That day will end with a showcase panel on information access and privacy issues during a time of national security. The panel is part of an annual event organized by Geneva Overholser, the Hurley Chair in Public Affairs Reporting at the Missouri School of Journalism.

The conference also will offer hands-on training in computer-assisted reporting both at the Medill School of Journalism's Washington bureau and at the National Press Club.

In addition, *The Washington Post* is sponsoring a special program for high school journalists.

The panels offered at the conference will include such topics as covering the federal government from outside the beltway, doing investigations of the military, covering nonprofits, investigations into social service programs, and such international panels as covering Washington as a foreign journalist and tracking terrorists.

As always, sessions will include the basics of mining daily beats for good stories and localizing national and international issues.

The annual conference includes the presentation of the IRE Awards, where the best investigative reporting from 2002 is highlighted.

Keep up with the latest conference offerings – and register – by visiting www.ire.org/training/dc03/. Hotel reservations at the JW Marriott can be made by calling 800-228-9290 or 202-393-2000 and asking for the IRE room block.

Plan set for annual IRE Board elections

An absentee ballot process tested in last year's IRE Board of Directors elections will be repeated this year.

The voting procedure allows interested members who are unable to attend the annual membership meeting at the national conference (in Washington, D.C., on Saturday, June 7) to participate in choosing the organization's leaders.

Absentee balloting is meant to supplement, not replace IRE's traditional election process, which encourages membership meeting attendance as a sign of commitment to the group and to involve as many members as possible in discussions of importance.

Members attending the annual conference are still expected to cast their votes at the membership meeting. Only those not planning to attend the meeting – and requesting a ballot in advance – will be able to vote before the conference.

Declaring as a candidate

The deadline for candidates to make it onto the absentee ballot is April 7. Candidates announce by delivering candidacy statements and bio information (up to 500 words) to IRE. A photo is optional, but encouraged. Candidate information will go on the Web by April 11 and absentee ballots will be ready by April 14.

Candidates can still declare via e-mail until May 26 to get on the Web, but their names will appear only on the conference ballot.

Every candidate still must be nominated and seconded from the floor at the annual membership meeting. They also must be present at the meeting and deliver their two-minute speeches to remain eligible.

Requesting ballots

IRE members whose membership status will be current through June 30, may request absentee ballots by phone, e-mail or in person. Each ballot will be sent to the address of record for that member along with information on how to fill out the ballot properly. Requests may be submitted through May 16. Please send requests to info@ire.org. Completed absentee ballots must be received at the IRE offices by May 23 to be valid.

Only international members requesting absentee ballots will be allowed to vote via e-mail.

Absentee ballots will not be made available at the national conference nor will previously completed ballots be accepted there.

RUNNING FOR THE BOARD

The IRE Board of Directors serves as the governing body of IRE and meets several times a year – both as a group and in conference calls – to debate and vote on issues. Directors serve on committees and task forces made up of board members and appointed non-board members.

IRE members considering running will have a shot at one of six seats this year, although incumbents may seek re-election.

Although members have until June 6 to get on the "election-day ballot," candidates have an opportunity to also be on an absentee ballot that will be made available to members not able to attend the conference.

To get on both ballots, candidates must declare by **April 7**. Declaring consists of sending a candidacy statement with brief biographical information to the IRE offices.

This information also will start going onto the IRE Web site about the same time.

Even if you don't make it onto the absentee ballot, statements will be accepted as late as **May 26** for Web posting.

Candidates who wait until the conference to announce must deliver a one-page statement/bio to the IRE executive director or deputy director by 5 p.m. Eastern time on Friday, June 6. These – along with the previous Web announcements – will be posted in the main conference area.

At the Saturday afternoon (June 7) membership meeting, candidates will need to be nominated and seconded from the floor by two other IRE members. There will be no nominating speeches, but candidates will have two minutes to address their peers. The ballot at the membership meeting will include all candidates declared through the June 6 deadline.

Immediately following the board elections, there will be a separate election for IRE Awards contest judges. Those candidates will be nominated and seconded from the floor.

Board candidates wanting to appear on the absentee ballot and/or the IRE Web site should submit a candidacy statement/bio limited to 500 words. Head shots are encouraged. Send announcements via e-mail to Deputy Director Len Bruzzese at len@ire.org.

Stephen B. Thornton | Arkansas Democrat-Gazette

A client sits quietly on a swing outside a residence hall at the Conway Human Development Center in Conway, Ark.

OLMSTEAD DECISION

Review of mentally ill care now state-by-state concern

By Mary Hargrove
Arkansas Democrat-Gazette

State lawyers, citing client confidentiality, turned me down when I asked for files on a sexually aggressive resident of a state-run institution. By the way, one attorney added, the resident had been involved in 1,215 bad-behavior incidents. If ever a red flag were waved in front of a reporter, this was it. Chasing that flag led to the *Arkansas Democrat-Gazette* publishing a five-part series, "My Brother's Keeper."

It began with the story of Anthony, who had spent at least 10 years sexually preying on male and female residents of the Conway Human Development Center in Conway, Ark.

The human development center, about 30 miles east of Little Rock, is home to 560 developmentally disabled residents. That means the residents are cognitively impaired – they are mentally retarded, autistic or epileptic. They might have cerebral palsy or Down syndrome, be mentally ill or suffer from a combination of these problems.

At the Conway center, residents are between age 10 and 64. Many are in wheelchairs or cannot walk without help. Anthony lived among them. The 42-year-old resident had been diagnosed with a sexual disorder and mental retardation and had lived at the center since 1975.

He climbed in bed while other residents slept, cornered them in bathrooms, jumped on them as they watched television, forcing his penis into their mouths, according to reports. Residents cried and fought with him.

Conway superintendent Bob Clark did not segregate Anthony from those he had attacked, did not put him on medicine to inhibit the behavior, and did not provide the full-time supervision Anthony required.

An internal Conway committee had warned Clark for years that Anthony was violating the civil rights of other residents. Those warnings languished in his files.

Clark insisted that Anthony's actions were simply "inappropriate" and "not abusive."

How did we finally get Anthony's files? State attorneys had initially turned us down because we knew Anthony's full name and releasing records would violate his privacy. So Deputy Editor Frank Fellone and I met with state attorneys and modified our Freedom of Information Act request. We asked for files on all sexually aggressive residents for a three-year period. We suggested the files be labeled Client A, B, and C, and that the names of the living units be added.

Humiliating and demeaning

The fact that names are redacted from records is not necessarily a bad thing. Since client confidentiality has been protected, you should be able to argue for all incident reports, investigations, medical and mental evaluations, treatment, therapy and educational records.

By expanding the request, we were able to show that there were 14 residents who acted out sexually against others. We examined what, if anything, was being done for them – and for those they preyed upon.

Other types of records we requested involved the use of restraints and documents on fired employees. They showed:

- A mentally retarded man was routinely forced to get on his knees, put his hands behind his back and place his nose on the ground for as long as 25 minutes "to calm him." Responded the staff member: "It's humiliating and demeaning, but it works."
- A mentally retarded woman in a wheelchair was placed in a headlock and had milk poured down her throat until she choked while the staff member yelled, "You're going to drink or drown." The staff member was fired for "discourteous treatment," not abuse. That meant she was not placed on the state registry that would prohibit her from working with vulnerable clients in other state institutions.

The *Arkansas Democrat-Gazette* informed the state Department of Human Services of its findings on Anthony as well as other abuses at the Conway center. Clark, the politically powerful superintendent for 22 years, was forced to resign several weeks later.

The U.S. Department of Justice Civil Rights Division is investigating the Conway center, and the federal Centers for Medicare and Medicaid Services in Dallas gave the Conway center two immediate jeopardy notices, meaning it could lose federal funding if conditions did not improve quickly.

Olmstead Decision

The care and treatment of the developmentally disabled is not just an Arkansas story. Every state is currently reviewing how – and where – it treats the mentally ill, mentally retarded, and senior citizens who cannot function on their own.

The new scrutiny stems from a 1999 U.S. Supreme Court ruling informally called the Olmstead Decision. In *Olmstead vs. L.C.* the court concluded that the state of Georgia had violated the Americans with Disabilities Act. Two women, who could have lived in the community, were told they must remain in a state hospital.

All states are now working to establish:

- A comprehensive, effective working plan for placing qualified people in less-restrictive settings.
- A waiting list for community-based services that ensures people can receive services and be moved off the list at a reasonable pace.

It is a story with great impact for those with disabilities and their families. When disabled children were placed in state care 20 to 30 years ago, their life expectancy was short. However, as medications and therapies evolved, those children have grown to be adults in large institutions. Their parents, now in their 70s and 80s, fear their grown children will die if they are taken away from familiar settings and people.

But large institutions are being downsized or closed in favor of smaller residential settings, a situation similar to what happened to the mentally ill in the 1970s.

In 1991, New Hampshire became the first state to close all of its institutions. Today, nine states have no institutions and admissions are frozen at facilities in 40 other states.

Meanwhile, families with young disabled children are fighting to keep them home and out of institutions at all costs. The institutional-vs.-home care groups are fighting over the same pot of money. That has set up a tragic collision of values for these families.

Be careful when advocates lobby you. Each side will provide financial data that shows how much more expensive the other type of care is. There are a multitude of studies to support each side's position.

To see what is happening in your state, determine whether developmentally disabled residents are living in institutions, community

ICIJ Award for Outstanding International Investigative Reporting

INTERNATIONAL CONSORTIUM OF INVESTIGATIVE JOURNALISTS
A PROJECT OF THE CENTER FOR PUBLIC INTEGRITY

A $20,000 first-place prize and up to five $1,000 finalist awards aim to recognize, reward, and foster international investigative reporting.

Journalists of any nationality working in print, broadcast and online media are eligible to apply. Books are not accepted. The work must have involved reporting in at least two countries and must have been first published or broadcast in general information media between June 1, 2002 and June 1, 2003. Deadline to apply is July 15, 2003.

For more information on the ICIJ Award, as well as the 2002 winners and finalists, see www.icij.org or call 202-466-1300.

settings or both.

- Call or e-mail the National Association of State Directors of Developmental Disabilities Services, Inc. (www.nasdds.org) in Alexandria, Va., 703-683-4202. This organization publishes newsletters showing trends in Medicaid funding and living arrangements for the developmentally disabled. Ask for back issues. You will be directed to the oversight agency in your state. Ask that agency for a copy of your state's Olmstead Plan.
- Search the Web for "Olmstead" and background yourself. There are a number of sites available.
- Contact the Centers for Medicare and Medicaid Services (http://ems.hhs.gov). The standards for institutions that provide long-term care are enforced by that agency. Request all investigations, surveys, complaints and plans of correction.
- Check with your state. It should have an Office of Long Term Care or its equivalent that investigates complaints and conducts annual surveys to determine if state and federal regulations governing civil rights and quality of care are being followed in nursing homes and institutions.
- Make an FOI request with the state Attorney General's Office, which, in most states, oversees a Medicaid Fraud Unit and investigates complaints filed under the Adult Abuse Act. Check for criminal charges filed by the prosecutor's office.
- Talk with advocates for the disabled and elderly at both the state and national level. They monitor complaints and legislation affecting their groups.
- Create a file on the backgrounds of the doctors, nurses, pharmacists, and direct-care workers by contacting licensing agencies and checking courthouse files. Does your state have an abuse registry, listing people who are prohibited from working in long-term care facilities or state institutions because of past abuse or neglect of patients?
- Call city and county police as well as the state police to see if there have been abuse or neglect incidents, including sexual attacks and deaths, at institutions or small facilities or homes.
- Check the backgrounds of community providers. Have they operated other state programs? What were their track records? They receive state and federal grants and there should be financial audits.
- Go to the state and federal courthouses in your area. "Olmstead" lawsuits have been filed in California, Florida, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire and Pennsylvania. These suits argue that institutionalized persons have been denied the chance to receive community services.

Another 22 "Olmstead waiting list" lawsuits have been filed against states because the developmentally disabled believe they were not given access to Medicaid long-term services – whether institutional or in the community – within a reasonable time.

This is a story that should appeal to editors. It can be written as breaking news, feature, investigation or a combination. With states drastically cutting budgets, this story allows you to humanize what might otherwise be an eye-glazing, budget-cutting story. And it will open your readers' eyes to another world that is often out of sight and out of mind.

Mary Hargrove is associate editor of the Arkansas Democrat-Gazette in Little Rock. She is a past president and chairman of IRE's board of directors.

Stephen B. Thornton | Arkansas Democrat-Gazette

A client is wheeled out of a building at the Conway Human Development Center in Conway, Ark.

STATE OF THE STATES

According to the State of the States in Developmental Disabilities, a research project administered by the University of Colorado and authorized by federal government's Developmental Disabilities Act:

- New Hampshire became the first state, in 1991, to completely terminate its system of public institutions for the developmentally disabled and mentally retarded.
- All but 14 states have closed at least one public institution for the developmentally disabled.
- Arkansas, Georgia, Illinois, Kentucky, Louisiana, Mississippi, New Jersey, Oklahoma, Texas and Virginia have 40 percent or more of their developmentally delayed residents living in institutions of 16 clients or more.
- Arkansas, Hawaii, Louisiana and Wyoming are the only states showing a decrease in percentage of mentally retarded/developmentally disabled people living in the community.
- Mississippi and Arkansas lead the nation in the number of people in institutions per 100,000 residents.

LOCAL PROBE UNCOVERS FINANCIAL SLEIGHT OF HAND USED BY NONPROFIT GROUP

By Carol Ann Alaimo
Arizona Daily Star

United Ways have long held themselves up as representing a gold standard for charitable organizations. "We've always believed that we're the best of the best, the premier nonprofit in every community," as Susan Gilmore, a United Way of America vice president, once put it in an interview.

How well United Ways live up to that standard is increasingly in question. Last year, national media reported at length on accounting and business practices that misled donors and created more flattering bottom lines at many United Way organizations.

The reporting came in the wake of a series by the *Arizona Daily Star* in Tucson, among the first newspapers in the country to take a close look at some of the financial sleights of hand employed by a local United Way.

It was an effort that attracted both praise and scorn.

While the series won several awards and raves from some readers, others were outraged at the *Star* for impugning the agency and its popular long-time president.

Record-breaking year

The United Way of Tucson and Southern Arizona seemed a runaway success story when it came to raising money for people in need.

Its donor literature was loaded with examples of area agencies and individuals reaping benefits from United Way's fundraising prowess.

Its fundraising campaigns usually ended on the same happy note: an announcement that the agency had broken its own record by taking in more donations than the year before.

The *Star* found that United Way's financial picture was less rosy than its image-makers had led the public to believe. Among the revelations:

- While the Tucson United Way's stated mission was to help local people in need, a substantial chunk of the money it was raising had no local benefit. About $2 million of the $10 million it disbursed in 2000 went to out-of-town charities or to unrelated causes such as animal rescue shelters.
- Nearly $1 million was raised in a different state and quietly tacked onto the Tucson's United Way's campaign tally in 2000, creating the appearance of another record-breaking year. The cash in question was actually collected in California and was never intended to stay in Tucson. It only passed through long enough to be counted locally before heading back out the door.
- United Way's annual reports had at times overstated by hundreds of thousands of dollars the amount of money it was distributing to local member charities.
- The United Way's well-advertised claim that only 13 cents of every dollar went toward administrative overhead was not true for all donors. Without telling the public, the agency was subtracting substantially more from some donors' gifts.
- Tucson's United Way was not following at least five of the standard business practices recommended by charity watchdog groups in areas such as public accountability and accurate disclosure of financial information. United Way's president told the *Star* he was unaware that such standards existed until a reporter brought it up.

Looking further

The *Star* had occasionally received anonymous phone calls saying that the agency was being less than candid about its situation. In 1999, we did a brief comparison between the financial data on the United Way's charitable tax return and the numbers being reported to the public through its marketing materials.

Some of the figures did not match up. When asked to explain, United Way attributed the discrepancies to timing differences between when money was collected and when it was reported and spent.

The explanation seemed plausible, and indeed, was partly true. The degree to which it was not the whole truth only became obvious after examining several years' worth of data.

After hearing United Way's initial explanation, there was discussion in the newsroom over whether to take things any further.

A decision was made to assemble five years

Benjie Sanders | Arizona Daily Star

Paul Sessler, with Jewish Family & Children Services, does housekeeping work for an older disabled woman trying to remain at home. The United Way has been cutting the money it traditionally gives to such agencies.

worth of financial data from several available sources for a longer-term view. If nothing seemed amiss at that point, there would likely be no reason to look further.

We delved into the story by:

- Ordering copies of the United Way's Form 990s (charity tax returns) from the Internal Revenue Service.
- Making copies of United Way's audited financial statements, annual reports and marketing materials, which were obtained from United Way.
- Requesting that United Way provide a database that listed the amount and recipient of all disbursals it made to other charities the previous year. Some board meeting minutes and policies and copies of pledge forms also were provided.
- Contacting several charity watchdog organizations that provided guidelines or recommended standards for how a charity should operate with integrity.
- Conducting about 30 interviews with current and past United Way staff and board members, with major donors and the directors of recipient agencies, and with executives at several other United Ways around the country.

Sifting through the numbers was a daunting task made easier with help from two key people: the *Star's* business manager, Charles Rochman, and Enric Volante, the paper's computer-assisted reporting specialist.

Rochman, who had once worked as lead auditor for a major accounting firm, prepared a detailed five-year overview of the agency's finances as captured in its annual audited financial statements. This gave a baseline to compare with other numbers United Way was using in annual reports and publicity handouts.

Upon comparison, discrepancies arose which could not be explained away by the United Way's earlier assertions that the differences were simply due to timing lags.

Volante, who worked with the donations database provided by United Way, noticed errors in three early versions of the data the agency released. It required several clarification calls to United Way accounting staff to get an accurate set of data.

The numbers, though, were not enough to tell a clear story. Things began to gel in more depth during numerous personal interviews with current and former United Way staff members and board members, with the managers of affected local agencies, and with officials at other United Way organizations around the country.

During that process, specifics emerged, such as reports of the so-called California Million and concerns that different donors were being charged different rates of administrative overhead without their knowledge. There also was widespread concern that Tucson's United Way routinely manipulated the numbers in its publicity materials to create a more flattering picture to the public.

It also became clear during the interview stage that some of United Way's practices had severely strained the agency's credibility within its network of local member charities. Relationships had become so fractious that one United Way board member likened it to "a dysfunctional family."

Heads of several member agencies were so upset that they agreed to be interviewed on the record about what they saw as systemic dishonesty on the part of United Way.

The IRS Form 990s were a key source for finding names of former United Way board members and staff members. All officers, board members and key staff members are listed on each year's tax return. By comparing several years worth, it is possible to track leadership changes and defections among staffers and board members.

Another document, United Way's annual report, provided names and other information on some major donors and recipients of money. These also were examined for trends.

One annual report showed that in 2000, the same year that United Way had disbursed a record number of donations out of town, the agency also published an extensive list of recipients in its annual report that omitted the names of nearly all out-of-town recipients.

Changes recommended

A reporter can get buried by the landslide of information when assembling such a complicated story. The *Star's* assistant city editor B.J. Bartlett, city editor Tim Konski and assistant managing editor Dennis Joyce all weighed in with suggestions on how to keep things on track and how to best package the major findings.

It was decided that the information would run over three days. First, the financial discrepancies. Second, the loss of trust in the wider charitable community. The third day

CONTINUED ON PAGE 13 ➢

MORE ON NONPROFITS

If you're interested in getting information on nonprofits, check out these Web sites recommended in "The Investigative Reporter's Handbook: A Guide to Documents, Databases and Techniques," Fourth Edition (Bedford/St. Martin's) by Brant Houston, Len Bruzzese and Steve Weinberg.

American Association of Fundraising Counsel, www.aafrc.org
American Bar Association, www.abanet.org
American Institute of Philanthropy, www.charitywatch.org
Association of Fundraising Professionals, www.nsfre.org
BBB Wise Giving Alliance, www.give.org
Capital Research Center, www.capitalresearch.org
Council on Foundations, www.cof.org
Evangelical Council for Financial Accountability, www.ecfa.org
The Foundation Center, www.fdncenter.org
Guidestar, www.guidestar.org
Independent Sector, www.indepsec.org
National Association of Attorneys General, www.naag.org
National Association of State Charity Officials, www.nasconet.org
National Center for Nonprofit Boards, www.ncnb.org
National Committee for Responsible Philanthropy, www.ncrp.org

Federal Data

The IRE and NICAR Database Library keeps an updated database of the organizations filing an IRS 990 form – the form required for nonprofit groups in lieu of an income tax return. Churches and organizations with receipts of less than $25,000 do not have to file, but some do anyway.

The data includes the organization's name, address, contact person, total annual income, total assets, and codes describing activities.

Exempt organizations must file a 990, 990EZ or 990PF by the 15th day of the fifth month after the group's accounting period. ends

Most reporters use this database as a tipsheet to focus on specific companies in their area. Once you've got a short list, it's a good idea to get the paper documents from the IRS concerning those organizations.

Details on this database can be found at www.nicar.org/data/irs/ or by calling 573-884-7711.

HEPATITIS C

Untreated blood-borne illness hits unmonitored prisons hard

By Jennifer Lin
and Mark Fazlollah
The Philadelphia Inquirer

A yearlong investigation by *The Philadelphia Inquirer* into the hepatitis C epidemic in New Jersey prisons started at a very different place – Philadelphia firehouses.

In 1999, as many as 200 current and retired firefighters learned they were infected with the blood-borne hepatitis C virus, which is difficult to transmit and has to pass directly from one blood source to another. Emergency workers argued that the bloody nature of their rescue work made them vulnerable to contracting the virus. In 2001, sympathetic state lawmakers unanimously passed a bill assuming hepatitis C was a work-related illness for firefighters, paramedics and police. Tacked to the bill was coverage for prison guards.

We knew about the risks for firefighters, but what was happening in prisons?

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The search for answers would lead to a two-part series last July and several subsequent stories that revealed a problem in the neighboring state of New Jersey. We found prisons there failed to detect, monitor or treat hepatitis C among infected inmates, who were getting sicker, some even dying.

The hurdles

Drug addicts who share needles and paraphernalia are prone to contracting and spreading the hepatitis C virus, which explains why prisons now are custodians to the largest hepatitis C population. While few states are doing anything about treating the disease, Pennsylvania is considered a leader in addressing the problem.

Still, despite the compelling subject matter, we knew we faced two principal hurdles: locating infected inmates whose health was deteriorating and overcoming the potential lack of reader empathy for the plight of prisoners.

For the first obstacle, we combined basic CAR techniques with simple letter writing to inmates to uncover information about specific cases and to put a face on the problem. For the second concern, we pointed out that since most prisoners would be set free one day, they could be re-entering the general population with an infectious disease.

At the same time, Pennsylvania's aggressive approach to the disease provided a stark contrast to New Jersey's lack of action. We learned that in early 2000, the Pennsylvania Department of Corrections began screening all inmates for hepatitis C. It found that a staggering 23 percent of its 36,000 inmates had tested positive for the hepatitis C antibody.

Only a fraction of New Jersey's 24,000 inmates had been screened for the disease and the state was aware 1,170 inmates had tested positive for the hepatitis C antibody. Only high-risk prisoners such as admitted drug abusers were eligible for screening – and then at their own request.

Still, New Jersey isn't the only state not to test all its inmates. Other states are aware there's a problem, but offering treatment is expensive. A one-time combination of two drugs costs from $6,000 to $12,000 per inmate, with the therapy effectively curing half of those with chronic infection.

So, unless state legislatures come up with additional funding for hepatitis C, there is no incentive for profit-oriented medical providers in prisons to aggressively pursue treatment.

While Pennsylvania had more than 1,000 inmates at some stage of assessment or treatment, New Jersey had only one – an inmate who had sued the New Jersey prison system for treatment.

We found him by doing a Lexis-Nexis search of all federal lawsuits in New Jersey filed against Correctional Medical Services (CMS), the department's private medical vendor and also the largest provider of prison health services in the country.

At the same time, we mailed scores of letters to inmates with lawsuits, asking if their complaints had anything to do with hepatitis C. And, we further located inmates by using the "person locator" function in Lexis-Nexis, which included inmates in the database. We used the zip code of each prison in New Jersey, plus the mailbox address, to come up with hundreds of additional names.

While this approach may seem scattershot, we reasoned that if the prevalence of hepatitis C was as high in New Jersey prisons as it was in Pennsylvania – 23 percent – then there was a one-in-four chance of coming up with direct hits.

We were right.

One of the inmates to write back was Paul Auge, who sued CMS for not treating his hepatitis C. His pro-bono lawyer hired a liver specialist to review Auge's case, and the doctor from Johns Hopkins University's medical school said the prison system's treatment had been "negligent."

Meanwhile, letters from all over the state began pouring in. We responded to each one in handwritten letters mailed in plain white envelopes. Since guards must open and inspect all inmate mail, we did not want to set off alarm bells by using *Inquirer* letterhead.

With each inmate letter, we asked a few simple questions: Do you have hepatitis C? Do you know other inmates with hepatitis C? If you or others have hepatitis C, what is being done?

We heard back from at least 75 inmates and began building a master list of contacts. Some inmates proved to be good at spreading the word. One inmate even created a questionnaire on our behalf that he circulated in the prison yard, mailing the results to us.

In our reporting, it wasn't enough to simply identify infected inmates. We needed to find out if the health of inmates was in jeopardy,

which required medical records. We began the slow, time-consuming task of asking prisoners to request copies of their medical files. We then showed the records to liver specialists who helped us decipher them.

Most important was getting records of blood work that showed "liver enzyme levels." Just because a person has the hepatitis C virus in his body doesn't mean he or she will develop liver disease. But if the hepatitis C virus starts damaging liver cells, a patient's liver enzymes usually will begin to increase.

The Federal Bureau of Prisons, in its guidelines for managing hepatitis C cases, recommends that further tests be conducted if enzyme levels are more than 1.5 times the normal level.

One inmate who began writing, Danny Amos, sent us medical records showing that his liver enzymes had been twice the normal range for more than five years. But nothing was being done to monitor his condition or assess the condition of his liver.

By getting medical files, we were able to establish that the prison system was not monitoring infected inmates to see if their health was slipping.

With hepatitis C, one third of all people will clear the virus from their bodies on their own. The remaining carriers will suffer some level of chronic infection, with one in five developing liver disease, such as cirrhosis, or cancer. Doctors can't predict who will be among the unlucky one in five, which is why it is critical to monitor what the virus is doing in a patient's body.

Doctors do that by tracking the "viral load" or by testing for inflammation of the liver via a biopsy. We ascertained through medical records, as well as by interviewing former doctors and nurses with CMS, that the prison system was not following federal guidelines for managing hepatitis C cases.

Inmates were dying from liver failure and to show that, we contacted county medical examiners required to review inmate deaths. Since the New Jersey corrections department does not keep statewide statistics on hepatitis C-related deaths, we tried to get answers at the county level, where prisons were located. We asked medical examiners for information about inmates who died with complications from hepatitis C. Some counties were unresponsive, but at least two near Philadelphia provided statistics.

Also, we sought out current and former prison medical workers to ask about inmates. The workers were often listed as defendants in lawsuits, and we located them by electronically checking their state licenses.

Only at this stage of our reporting, with specific cases in mind, did we approach the New Jersey commissioner of prisons, Devon Brown. We gave him a list of inmates and their problems, including:

- Inmates who were denied follow-up testing for hepatitis C by CMS management, despite recommendations from attending physicians.
- Inmates whose high liver enzyme levels – a warning sign for liver damage – were ignored.
- Inmates who entered prison with treatment for hepatitis C, only to have the therapy halted by CMS.

Brown, who took office only a few months before our interview, seemed concerned. He assigned a department doctor to investigate each case. In a later statement, he wrote that our cases "put a face on the broader issue of treatment."

Informed inmates

In the aftermath of our series, we made a request through the state's new Open Public Records Act (OPRA) for all correspondence between the corrections department and CMS.

We obtained copies of audits of inmates with hepatitis C, showing that on the eve of our series, the commissioner had issued an edict to CMS demanding that all inmates infected with the hepatitis C virus, at the very least, be informed of their conditions.

The documents, e-mails and letters obtained through the OPRA request disclosed that in a flurry of infirmary calls in the last two weeks of July 2002, CMS notified 421 inmates that they had tested positive for hepatitis C. Some had been tested two years before, but never notified.

In an interview for a follow-up story, Commissioner Brown prefaced the meeting by saying, "In a very real sense, you may have been instrumental in saving lives."

And on Oct. 31, the corrections department announced that it would directly cover the costs of hepatitis C treatment and screening, removing the expense from the budget of its medical vendor, CMS, and raising the possibility that more inmates would be treated.

Jennifer Lin is a former Beijing correspondent for The Philadelphia Inquirer and Knight Ridder newspapers. She previously worked for Knight Ridder's Washington bureau and as the Wall Street correspondent for The Inquirer. She is currently on the city staff. Mark Fazlollah is a projects reporter for The Inquirer and has won the Selden Ring and Roy Howard awards.

United Way

CONTINUED FROM PAGE 11

would look at possible futures and problems confronting United Ways nationwide.

Graphics by Jose Merino also figured heavily in this package, especially on Day 1 to help explain the financial findings.

Community reaction was mixed. On the second day of the series, the *Star's* op-ed page carried a full page of letters to the editor, some lauding the newspaper for its reporting and others accusing it of yellow journalism.

A few days after the series finished, United Way held a board meeting at which several board members publicly lambasted the newspaper and gave standing ovations in support of United Way management. One board member publicly urged management to "circle the wagons" in United Way's defense.

However, the board also voted to have a subcommittee examine many of the allegations raised in the newspaper report.

A few months later, that committee issued a report that substantiated the newspaper's major findings and recommended more than two dozen changes to United Way policies and procedures. The board unanimously approved the recommended changes.

United Way's fundraising took a nosedive during the next campaign, going from about $16 million to $11.7 million.

However, it is unclear to what extent the drop in donations was due to negative publicity because the tally also was affected by events following Sept. 11, 2001. Many charities struggled that year because so many Americans had directed their charity giving to victims of the terrorist attacks.

Recently, leaders of the nation's local United Ways approved standards to enhance financial disclosure, seeking to prevent the kinds of financial impropriety and mismanagement that have plagued the organization. Local groups will have to file more information with the national United Way or face losing the right to the brand name.

Carol Ann Alaimo has more than a decade of investigative reporting experience in the United States and Canada, and has won numerous journalism awards in both countries. She previously covered social services for the Arizona Daily Star and now works as the newspaper's military writer.

Interviews with the Interviewers

Some journalists have a natural gift for interviewing. Others spend entire careers mastering the skills. During 2003, The IRE Journal is presenting the series "Interviews with the Interviewers." We have talked with some of the most renowned interviewers in the field of investigative reporting. Focusing on a different style of interview each issue, we share their experiences, techniques and advice with you. This is the second installment.

PART 2

Cross-cultural interviewing

By Lori Luechtefeld
The IRE Journal

David E. Kaplan is a fan of the pregnant pause in interviews. He knows that usually his subjects will break the silence. He also knows better than to use this technique when interviewing a Navajo Indian. He just might sit there all day.

Kaplan, an investigative reporter with *U.S. News & World Report,* has worked in more than a dozen countries. Cross-cultural reporting, he says, fits somewhere between regular reporting and anthropology.

Interviewing people from other countries and cultures is about more than getting over a language barrier. It is about getting into a different state of mind. It is about learning the nuances and unspoken rules of other cultures. Cross-cultural investigative interviews present the same challenges as any other investigative interview plus a whole batch of additional problems.

"I have to completely change my internal clock and the way I handle conversations," says Bruce Selcraig, an investigative freelancer for national magazines who has done extensive reporting in Mexico and Indian villages in New Mexico. He must remind himself to allow moments of silence and to never interrupt his subject, which is a true sign of rudeness.

Advance preparation is vital.

Roberta Baskin, a senior correspondent at Now with Bill Moyers who has done investigative stories all over the world, recommends networking with people who've already been to that country.

Especially in broadcast, Baskin says, a journalist needs a sense of place in the country. When taping landscapes, a broadcast investigative reporter wants to be sure to get representative shots of an area.

Kaplan recommends finding a cultural guide in the country. This might be a local journalist, activist, religious figure or elder.

"It's best to have several guides," Kaplan says. This allows reporters to maintain their independence. And, Kaplan says, as with any interview, introductions are always important.

Leigh Stephens Aldrich, author of "Covering the Community: A Diversity Handbook for Media," agrees.

"Don't go in cold," she says.

"A journalist needs to very carefully know what they're going into," she says. Cross-cultural interviews provide many opportunities for a journalist to be insulting, she says.

In addition to finding an introduction into a culture, reporters in foreign countries must often conduct interviews through interpreters.

"Make sure you get someone who really knows the language and slang," Kaplan says. Because the message must go through so many different levels of perception, there is a lot of room for mistakes, he says.

Valeri Williams, most recently with WFAA-Dallas, has a second independent person verify the translations she receives from interpreters.

Al Tompkins of the Poynter Institute agrees with that safety check and recommends taping interpreted conversations even if you are a print journalist.

Another thing for reporters to remember, Tompkins says, is that if you are asking your interpreter to translate provocative questions, they might feel you are putting them in danger. This could lead them to soften the wording of questions and answers.

Kaplan agrees that a journalist must be wary of translations, especially if the translator is a volunteer. Volunteers often have their own motives or political interests. For example, in China, the local communist party

Jeffrey MacMillan | U.S. News & World Report

Investigative reporter and author David E. Kaplan, right, discusses a story with U.S. News & World Report executive news editor Gordon Witkin.

provided its own translators to Kaplan.

Although interviewing through interpreters has numerous pitfalls, Baskin says that even if the interview subject speaks a little English, it is sometimes best to use a translator anyway. Having people speak in their own languages is better than making them struggle through English, she says.

Manny Garcia of *The Miami Herald* says in some cases, being able to speak the language yourself gives journalists access to stories others could not get.

"Invest the time and money into learning a second language," Garcia says. Speaking Spanish, says Garcia, is often what gets him in the door throughout Hispanic neighborhoods.

In addition to language barriers, a reporter must be cognizant of important cultural differences that could affect relationships with subjects.

"Leave your assumptions at the door and be open to anything," says Victor Merina of the Poynter Institute.

Understanding gestures and touching in a culture also is important.

When visiting Oaxaca (pronounced "Wahaca"), a small Zapotec Indian village, Selcraig must remind himself not to offer a bone-crushing handshake.

Likewise, Kaplan says a reporter must be conscious of the differing "space bubbles" in cultures. While certain cultures might require more breathing space when talking to people, other cultures, such as in Brazil, have a smaller space bubble.

"Brazilians get right in your face and look you straight in the eye," says Kaplan.

Journalists need to be careful not to misread differences in body language, Merina says. Just because certain people might not make eye contact with you or have a firm handshake doesn't mean they're lying or hiding something.

In addition to differing body language, people from different cultures and countries might have different ways of giving the same answer to a question.

In Japan, Kaplan found that his American frankness didn't fly. When a Japanese mob godfather made him an offer he had to refuse, Kaplan responded with a curt 'no' rather than declining the offer in a roundabout manner. With this simple reply, he managed to upset the godfather and alienate himself from everyone in the room.

Selcraig similarly discovered that, in Oaxaca, interrupting people while they are speaking is seen as being far ruder than it is the states.

"After 28 years of being a professional journalist, I make mistakes every interview, every day and try to learn from them," he says.

Merina agrees. He says that journalists are often too afraid of saying the wrong thing or being viewed as an outsider.

"They end up up not doing [the story] or doing a superficial story," he says.

Journalists conducting cross-cultural interviews must also be aware of the role of the media in that country, says Kaplan. In some countries, he says, the media are known for taking bribes and practicing extortion.

In Japan, it is customary for experts to be paid for the time they spend in interviews.

"I've had people insulted because I haven't paid them," Kaplan says.

While working on an election-fraud story in Kiryas Joel, a community in which Yiddish is the primary language, Chris McKenna with *The* (Middletown, N.Y.) *Times Herald-Record* had difficulties as a member of the media.

"People don't have TVs or radios, don't go to movies, and most don't read non-Yiddish newspapers," McKenna says. "So they have no idea how to react when some beardless reporter comes marching around with a notebook and asking questions."

"There is also a tremendous wariness of outsiders asking questions, a suspicion fueled by memories of the Holocaust and a lingering sense of persecution," he says. The best way to handle such communities, says McKenna, is to spend time among the people. Don't whip out a notebook until a subject is comfortable with you.

In other cultures, Selcraig says it is important to make sure people understand your role as a journalist.

"If they haven't been interviewed by the media, be as careful as you can to make them understand that what they say will be in print," he says.

Despite all these difficulties, Kaplan is enthusiastic about investigative reporting around the globe.

"I have the best job in the world," he says. "I get to travel and talk to people."

Lori Luechtefeld is a graduate student at the Missouri School of Journalism and magazine studies intern with The IRE Journal.

The Rosalynn Carter
Fellowships for Mental Health Journalism

The Mental Health Program of The Carter Center in Atlanta, Ga., announces six one-year journalism fellowships. Designed to enhance public understanding of mental health issues and combat stigma and discrimination against people with mental illnesses, the fellowships begin in September 2003.

■The program is open to print and broadcast journalists with a minimum of two years of professional experience.

■Each fellow will be awarded a $10,000 grant and two expense-paid trips to The Carter Center to meet with program staff and advisors.

■Projects will be tailored to the experience and interests of the fellows, who will consult with the program's distinguished advisory board.

■Fellows will not be required to leave their current employment.

"This program is an exciting component of our efforts to reduce stigma and discrimination against those with mental illnesses. I look forward to working with each of our fellows to promote awareness of these important issues."
—Rosalynn Carter

The application deadline is May 5, 2003. To apply, write or e-mail:

Thomas Bornemann, Ed.D.
The Carter Center
Mental Health Program
One Copenhill
Atlanta, GA 30307
ccmhp@emory.edu
www.cartercenter.org

Michael Goulding | The Orange County Register

High school baseball players James Carl, 18, and brother Nathan, 16, were coerced into signing applications for a college class that they did not attend, although they received a grade for it.

PHANTOM CLASSES

High school athletes used to pump up college funds

By Marla Jo Fisher
The Orange County Register

The tip sounded promising, but nothing to write home about.

A parent e-mailed our editor, claiming his teenage sons in high school had received college credit for taking sports classes they signed up for, but never actually attended. Andy Carl told Scott M. Reid, *The Orange County Register*'s sports investigative reporter, that his sons, James and Nathan, had been ordered by the athletic director to fill out college enrollment forms and return them, along with the rest of those in the sixth-period athletic program.

No explanations were offered, and six months later an IRS tax form arrived in the Carls' mail, stating that the boys had received college credit for classes they never attended.

That's when an enraged Andy Carl called us. By the end of the investigation, we found at least 77 of California's 108 community colleges – as recently as last spring – were artificially boosting their enrollment by signing up mass numbers of high-school physical education students in order to gain more state funding. Last year alone, we estimate the practice cost the state's taxpayers at least $56 million.

Even before we published the series, our findings prompted an audit by the state Department of Finance and demands from the governor that $80 million be withheld from community college budgets this year so the issue of high school students concurrently enrolled in colleges could be sorted out.

Deserving students

The Carls had transcripts proving that the two boys received college credit for attending Cypress College – a local community college at which neither had ever set foot. Further, they had transferred out of the area in mid-term, making it impossible for them to have completed the courses for which they were supposed to have received "A" grades.

By obtaining lists of local high school coaches off the Internet, and matching them with lists of adjunct (part-time) faculty approved by the college district for payment, we found that at least 16 high school coaches were on the Cypress College payroll.

Further investigation showed that these "high school physical education outreach courses" were created under the auspices of the statewide Bridge program, designed to help deserving high school students start their college careers early by taking academic classes they couldn't get anywhere else.

Interestingly, college administrators both on the statewide level and the local level told us they had never heard of such classes.

Meanwhile, I filed written public records requests with the four community college districts I cover in Orange County, asking for information on the classes they offered to high schools. We had to pester district administrators repeatedly over coming weeks to get them to answer our requests. In some cases, they denied such classes existed, only to change their stories later when we were able to prove they did.

While Reid went to Japan on assignment, I borrowed lists from a sports reporter of the high school athletes and began calling them at home, asking if they had taken any of these classes and if they had been coerced into doing so.

I also signed up for the reunion Web site www.classmates.com and e-mailed hundreds of alumni at high schools I suspected might be affected.

Eventually, I ended up with a list of boys who had taken the classes, though most barely remembered signing up and none saw them as "real" college classes.

If they agreed to talk to me in person, I would race to their houses and try to convince them to order their college transcripts, proving that they had received college credit for the classes – and also giving us the course numbers and semesters so we could trace the courses.

Some were surprised to learn they had

CRUNCHING THE DATA

The Orange County Register's Natalya Shulyakovskaya goes into greater detail on the data analysis portion of this story in the March-April issue of *Uplink*. To find out about subscribing to the computer-assisted reporting newsletter, visit www.ire.org/datalibrary/uplink.html or call 573-882-2042.

received "A" grades in courses they did not remember taking, except to the extent that they were identical to their high school sports practices.

One after another, they told us they had been informed they were just getting college credit for doing their normal high school practices, which is banned under state law.

Once I received the transcripts, I was able to use the college's online catalogs to look up the sections and courses. I began researching state laws that regulate how and when high school students may attend college courses, along with the arcane system by which community colleges are financed in California.

By law, community colleges can only receive state FTES (full-time equivalent student) funding for enrolling a limited number of high school students who are taking academically advanced classes. All courses for which colleges claim state funding must, by law, be published in the official course catalog and be available to any member of the general public. Further, each FTES – no matter if it were generated through teaching nursing or training high school athletes – brought in equal amounts of funding for the schools.

Colleges that show greater numbers and greater enrollment growth receive more money, sometimes at the expense of their peers. But we found that colleges were puffing up their enrollment numbers by signing up large numbers of high school athletes, in sections of "courses" that were college level in name only, and which were never published in public course catalogs.

The colleges were then claiming state apportionment funding for these "students," paying fees to the coaches for signing them up – at a time when budget cuts were making it impossible for colleges to educate all the students who were legitimately demanding classes.

We already knew that the practice was big business. Paper records showed that phantom sports classes had earned one Orange County college alone $2 million the year before.

When he returned from assignment, Reid went to high school campuses around the state and learned that the coaches paid by colleges ostensibly to teach Bridge classes were actually just conducting their regular high school sports practices. Sometimes they didn't show up at all. And, high school athletes were getting college credit at taxpayer expense, as one football player said, "for making varsity."

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FOI REPORT

Courts slamming doors on media and public access

JENNIFER LAFLEUR

Those of us who are caught up in tracking the latest secrecy moves by the new Department of Homeland Security or worrying about what data some government agencies may have removed from their Web sites, need to add another item to our watch list of processes chipping away at media access: the courts.

In the name of privacy and security, access to documents, proceedings and electronic records are coming under tighter scrutiny in courts at all levels.

From hearings for the alleged Washington, D.C.-area snipers to immigration hearings for U.S. citizens detained since Sept. 11, reporters trying to inform the public about the justice system are increasingly running into closed doors.

Closed hearings

Although subsequent hearings have been open to the public and press, the original pretrial hearing for accused sniper John Lee Malvo was closed.

Malvo, along with John Allen Muhammad, is accused of shooting 19 people, killing 13 and wounding six in Alabama, Georgia, Louisiana, Maryland, Virginia and Washington, D.C.

A judge denied media requests to attend Malvo's November hearing, which resulted in his detainment. But another judge refused to close Malvo's preliminary hearing in January. Camera access to proceedings has been spotty in the sniper proceedings. Most recently, a judge banned camera access to the hearing to determine Malvo's court date.

Malvo's alleged accomplice, Muhammad, is scheduled to go on trial in Prince William County in October. The judge there has ruled against allowing TV cameras, but will allow still camera access.

Immigration hearings for those detained since the Sept. 11 terrorist attacks also are slamming shut.

In September 2001, Chief Immigration Judge Michael Creppy issued a memorandum closing access to all "special interest" immigration cases.

Two federal appeals circuits are in conflict whether or not such hearings should be open. One, a federal appeals court in Cincinnati, ruled that proceedings for Rabih Haddad, the Lebanese co-founder of an Islamic charity, should be open to the press and the public. In late January, the Sixth Circuit denied the government's request for a rehearing by the full court.

But another federal appeals court in Philadelphia said deportation proceedings should not be public.

Under seal

Important information hidden under seal by courts has prevented many important stories from coming to the forefront. Settlements between the Catholic Church and victims of sexual abuse by priests were tucked away under seal until only recently. Settlements between manufacturers and consumers have kept safety problems under wraps and out of news reports.

In some cases, those documents have been opened. In fact, federal judges in South Carolina adopted a new rule that bans secret settlements. The rule applies to all federal district courts in South Carolina.

But in other cases, important information remains hidden in court files.

Court records will remain sealed in the high-profile case of Stephen Roach, a former Cincinnati police officer acquitted of criminal charges for the shooting death of a 19-year-old, unarmed African American male, Timothy Thomas, that led to city riots in April 2001.

The Dec. 31, 2002, decision by the Ohio Court of Appeals ended *The Cincinnati Enquirer*'s year-long battle to obtain access to the court records.

Access to jurors

When the initial trial for Fred Neulander, a rabbi and former community leader accused of murdering his wife in Camden County, N.J., ended in a hung jury in November 2001, the judge ordered that journalists could not contact or interview

CONTINUED ON PAGE 42 ➢

Jennifer LaFleur is the McCormick Tribune Foundation journalism fellow at The Reporters Committee for Freedom of the Press. She is chairman of IRE's First Amendment Task Force and a former training director for IRE.

TOXIC WORKPLACE

Tip leads to national story about railroad's pollution

BY JAMES BRUGGERS
THE (LOUISVILLE) COURIER-JOURNAL

I was less than six months into my job at *The* (Louisville) *Courier-Journal* when a clerk handed me a torn sheet from a reporter's notebook.

Scribbled in thick black ink, the phone message said: "CSX and So. Louisville yards. Where Papa John's is. Where railroad was. People were poisoned. Major discovery. Deals made. Contaminated property."

There was a name and a contact number.

I've been in this business 20 years and know that many tips are not grounded in reality. But I also know that every now and then, a tip can turn into a terrific story.

About a year later, this tip turned into a four-part series: "The Toxic Workplace: Railroads, Solvents and Sickness."

It was a series that took the help and support of many staffers. Those working most closely with me: reporter Sara Shipley, now with the *St. Louis Post-Dispatch*, who was brought in halfway through the project to help me finish; assistant managing editor John Mura, who saw the potential from the start, articulated that potential to managing editor Ben Post and editor Bennie Ivory, and who coached me through the reporting and writing; photographer Pam Spaulding, who worked with me from start to finish; copy editors Jim Lenahan and Glenn Ow; and news researcher Amy Inskeep.

Jasper Wages

Workers applied chlorinated solvents to locomotives as they were cleaned in railroad shops like this one in Corbin, Ky. The fumes would settle in the pits below.

The first thing I did was return the call, listening carefully and then asking questions: Have these allegedly sick workers filed any lawsuits? Yes. Have they won any of them, or have they received any financial settlements? Yes. How many settlements? Dozens.

But details were sketchy.

By now I was convinced there was a legal record to track, though I had no idea at the start how difficult that task would prove to be. I was also sure that there was some story to tell. I just wasn't sure what it was.

Pollution problems

First, I needed to determine whether there already was news coverage of any of these lawsuits. So I started where all reporters start: I checked my newspaper's clips through its electronic library.

I found several articles dealing with the old South Louisville Shops, a railroad maintenance facility opened by the Louisville and Nashville Railroad in 1905 at a cost of $2.5 million – an exorbitant price tag for the time. CSX Corp., which absorbed the L&N and many other railroads through a series of mergers and acquisitions, closed most of the shops in 1987.

Hundreds of Louisville jobs were lost as railroad maintenance was scattered throughout the Southeast. Our coverage at the time said the shops were closing amid "hints" of pollution problems. In articles from the mid-1990s, I found extensive coverage of an environmental cleanup at the 92-acre site so that it could be redeveloped into the University of Louisville's Papa John's football stadium. A state report identified a stew of 47 chemicals in the ground, including solvents, diesel fuel, PCBs, arsenic and dioxin.

The coverage explained how local and state officials were very concerned about the health of workers who were cleaning up the site, and those who were turning it into a football stadium.

But what about the hundreds, if not thousands, of people who worked in the shops over the many decades? What happened to them, and were they affected by the chemicals? And were workers affected in other cities?

These were the questions I wanted to answer.

I broadened my search of the clips, turning to Lexis-Nexis. There I found a short, intriguing story from Atlanta on a Kentucky worker who won a $1.1 million jury verdict after claiming that long-term exposure to solvents damaged his brain. A number of co-workers were waiting in line for their trials. Now I had a lead: the lawyers who won the case. It turned out they were happy to talk about their win and how they had secured dozens of other settlements after nearly a decade of battling the railroad company.

They said I was the first reporter to call.

I also needed to understand these chemicals, and the illness the workers claimed to have developed: toxic encephalopathy. After all, the company, CSX, continues to challenge the medical science in other workers' cases.

Unlike some diseases or injuries, where a simple test, or an X-ray, can reveal the problem, toxic encephalopathy symptoms are much fuzzier, including short-term memory loss, depression, anxiety, diminished mental function and paranoia.

Recognizing that the science could be the Achilles' heel of the project, I embarked on an exhaustive effort to find out whether this illness is real. Do legitimate, mainstream doctors recognize it? What does the scientific literature say about it? Could I find the illness in medical textbooks?

The task wasn't easy. Yes, the illness was described in medical textbooks. But experts on it were few and far flung, and most had never heard of my newspaper and didn't know me. They were hard to reach. They were skeptical of my motivations. In order to get them to speak with me, I had to write them letters, and wait for replies. I also found and read the entire transcript from a weeklong court hearing that focused on whether the science behind the diagnosis of toxic encephalopathy could be admitted in a Tennes-

Pam Spaulding | The Courier-Journal

Sharon Haven tends to her bedridden husband, Jesse, an exposure victim, in London, Ky. He later died at age 59.

see court.

I found that legitimate doctors recognized toxic encephalopathy – department heads at medical schools, for example, and in one case, a high-ranking official with the Centers for Disease Control and Prevention with a Harvard pedigree.

Feeling more comfortable with the science, I proceeded to determine how many lawsuits had been filed and their outcome. There was no single courthouse where these records could be found. In fact, they were scattered in many courthouses across at least 17 states – in other words, a reporter's nightmare. There was no single law firm that handled these cases.

With this search came the realization that this story was so much bigger than just the South Louisville Shops and one railroad. It was a national issue, but one that had stayed under the radar.

Exposure to solvents

I pieced together the legal picture lawyer by lawyer, doctor by doctor, worker by worker – over the telephone and in person, starting out close to home, and widening the circle. I asked the workers to provide me with their court records, including copies of depositions and letters from doctors that supported their diagnosis of brain damage. I later asked CSX for its legal documentation.

I found a number of voluminous files in Kentucky courthouses that contained copies of key rulings in other states. I watched a videotape of a trial that had occurred two years earlier, in which the verdict had gone against the worker.

Many of the workers were especially difficult to interview because of their symptoms, and their suspicions. More than one thought I was working for the railroad. A number told me they feared retaliation if they spoke. Some were afraid of having their financial settlements revoked if they talked.

I also spoke with their doctors, their therapists, their spouses. I obtained as many depositions as I could find, on both sides, and a copy of the trial transcript of the $1.1 million jury verdict in Georgia.

It took me a week to read the transcript, because it was so thick and contained so many volumes. With it I found the jury foreman whom I tracked down using www.whitepages.com, and he explained to me that the jury was appalled at working conditions and wanted to send the railroader's employer "a message."

These court cases, from Maryland to Montana (and later, I discovered, Arizona and California) provided me with documentation showing that various railroad companies were well aware of potential health effects from exposure to solvents, which were used as degreasers on electrical and mechanical equipment of locomotives.

We discovered how railroad companies fought hard to keep Occupational Safety and Health Administration inspectors out of their shops in the 1970s, a time when the chemical exposure was perhaps the highest. We found a letter from one railroad company's chief medical officer calling for the use of nontoxic degreasers as early as 1967, warning that the move might be more expensive up front, but that it could save "thousands of dollars in lawsuits."

This was not high-tech computer-assisted reporting. It was old-fashioned gumshoe detective work.

My reporting took me from Louisville to Alabama and West Virginia and Maryland and Montana and Florida. It took Sara Shipley to West Virginia and Tennessee. It took Pam Spaulding to Montana, West Virginia and Michigan.

Actual injuries

Eight months into the reporting, feeling confident of what we had, I got a call from a lawyer representing a major international insurer.

He wanted information from me. I couldn't give it to him, but because of his call, I was made aware of an active lawsuit in Florida where CSX was suing dozens of insurers that had refused to reimburse the railroad company for its payouts to workers' losses from legal fees.

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RELATED DATA AVAILABLE

Hazardous materials

Hydrochloric acid on highways, turpentine on trains…. If it's dangerous and escaped from a moving object, one can find out more using the hazardous materials database from IRE and NICAR. The data, collected by the U.S. Department of Transportation, has close to 350,000 records on hazardous spills and accidents from 1971 through May 2002. That includes any accidental release of hazardous materials involving trucks, trains, airplanes and boats.

Reporters can find out the location and dates of accidents, the companies involved, any injuries or fatalities, the hazardous substance involved and the suspected cause of the incident. More information on the data, plus cost and ordering details, can be found online at www.ire.org/datalibrary/databases/haz/ or by calling 573-884-7711.

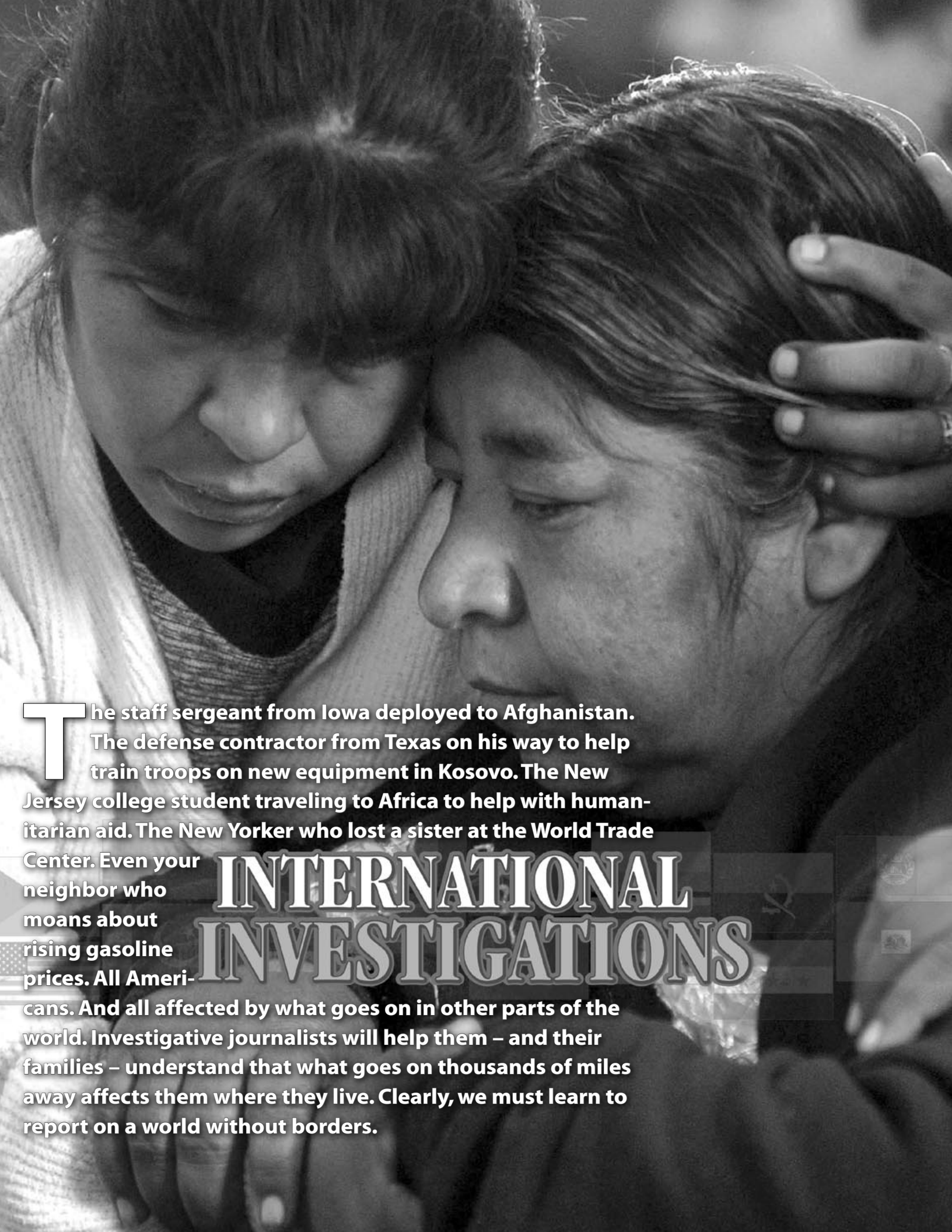
Hazardous work

The OSHA workplace safety database consists of inspections in all states and U.S. territories from 1972 through August 2002.

Businesses are classified in the database by their location, name and Standard Industrial Classification (SIC) code, making it possible to analyze inspections/accidents involving a certain occupation or those in a given region or city.

Penalties for violations are recorded in several ways, including the fine amount initially assessed, the current penalty reflecting any modifications and what was actually paid (or not paid, if that's the case).

Information is also available on persons injured in workplace accidents. Details include the person's gender, age, extent of injury, nature of injury and part of body and source of injury. It also includes whether any hazardous materials were involved. More information on the data can be found at www.nicar.org/data/osha/.



INTERNATIONAL INVESTIGATIONS

The staff sergeant from Iowa deployed to Afghanistan. The defense contractor from Texas on his way to help train troops on new equipment in Kosovo. The New Jersey college student traveling to Africa to help with humanitarian aid. The New Yorker who lost a sister at the World Trade Center. Even your neighbor who moans about rising gasoline prices. All Americans. And all affected by what goes on in other parts of the world. Investigative journalists will help them – and their families – understand that what goes on thousands of miles away affects them where they live. Clearly, we must learn to report on a world without borders.

MEXICAN BORDER

U.S. reports lead to improved mine safety in unregulated pocitos

By Dick J. Reavis
San Antonio Express-News

Just after daybreak on Sept. 29, 2001, as they were reporting to work, 12 men died in an underground explosion near the rural village of Santa Maria in the Mexican state of Coahuila. The men were coal miners, not in Coahuila's modern, mechanized, unionized and relatively safe mines, but in a *pozo* or *pocito*, a type of mine that vanished from Mexico during the early 20th Century – and returned to kill some 15 years ago.

Modern mines have sloping entry shafts. Pocitos have vertical shafts that make a straight drop, 100 to 400 yards into the earth. Workers enter pocitos, not by walking or riding in rail carts, but by standing atop a large metal bucket, or *bote*, in pairs. Most pocitos have only one entry/exit shaft, and that means when a threat presents itself underground, miners have only one escape route. Since they can exit only in twos or fours, balancing on the bote, they often can't get out fast enough for everyone to survive.

The *San Antonio Express-News* calls itself "the newspaper of South Texas," and to be that, it must keep an eye on northern Mexico. Several of us in the newsroom read Mexican dailies on the Internet, and when I learned of the Santa Maria disaster, instinct told me it would happen again. Photographer Gerry Lara and I rushed to Coahuila's coal region, some five hours south.

In the United States, I might have made a call to OSHA before leaving home. In the states, workplace tragedies are documented, information is publicly available, and when news is breaking, public information officers – for regulators and companies alike – speak to the press.

Mexico isn't like that. The Fox administration has passed a freedom of information act, but the bureaucracy that it created isn't working yet. Mexico's Labor Secretariat, which exercises basic authority over workplace safety, doesn't have to provide documents to reporters – and doesn't. The companies that, de facto, own the pocitos don't have public relations representatives, in part because, as a matter of law, they don't own the pocitos and therefore deny any inference that they do. On top of all of this, 10 years ago Mexican officials scowled at American reporters, even saying, "you are a foreigner here, what business is it of yours?" Today they are more courteous, but rarely more forthcoming.

It's also not an easy job, on either side of the border, to persuade dead men to talk, and at Santa Maria, none of the miners survived. Two men who were above ground at the time of the blast were rumored to be still in the region, a teenager who had been illegally employed above ground, and a miner who, at the last minute, decided not to descend to his labors that day.

Lara and I got lucky. Santa Maria is home to two American nuns, both educated in San Antonio. They knew both men and how to find them. We interviewed them within hours after we arrived.

Pocito perils continue

Luck was with us in other ways, too. Lara and I stopped at a nearby pocito to learn what we could. No supervisors or owners were on site. After we had hung around a couple of hours, jiving and joking, the workers invited us below ground. We were able to get pictures of conditions in a pocito. No other photographer, before or since, has been given the chance.

After making our rounds with widows, Labor Secretariat authorities, local journalists, church and union officials, we returned home to edit, to write – and to wait.

I intended to pen an account of what I would have called "another Mexican tragedy." I didn't think that anything would change. My fatalism was a child of familiarity: residents of the region saw the Santa Maria incident just as I did. For years, nothing had been done about pocito perils.

Fortunately, David Sheppard, editor of the projects department at the *Express*, has never learned such fatalism. He insisted that I check on the provisions of Mexican safety laws, something that, from fatalism, not even the Mexican press had done. Being older and, at Mexico reporting, more seasoned than Sheppard, I smarted at the command.

But I've always kept a copy of the Mexican labor code on my desk, and by Internet I found mine safety laws as well. It only took

Jerry Lara | San Antonio Express-News

Rescue workers carry the body of Agapito Perez after it was recovered from a mine that flooded.

hours to determine that more than a dozen standards made the day-to-day operation of pocitos illegal.

It was late December, a time of thin newspapers, when my series on Santa Maria and pocitos was done. Executive editors decided to put the series on hold. I wasn't disturbed, because I knew that the project was a gamble on my instincts. On the afternoon of Jan. 23, 2002, 13 pocito miners drowned in an underground flood in the region's La Espuela field. The mine's operator had failed, as laws require, to map the tunnels that his men made. Their pneumatic picks struck into the flooded tunnel of an abandoned mine, and they were helpless as the water rose because the motor on the pocito's only winch – the winch that raises and lowers the bote – wouldn't come to life.

Once again, Lara and I sped south, this time, immediately advised of the event by Mexican radio journalists. The *Express-News* published daily stories as the bodies were extracted, and added the Santa Maria series, with its explanatory pieces, into the mix.

Within days, some 21 people from San Antonio had camped at the mine, all of them relatives of the dead. We were able to add local touches to our south-of-the-border reports.

Most reporters in the United States, I suppose, would like to see their work published in our country's newsmagazines. Perhaps

Have Beetle, will travel

By Dick J. Reavis

The problem that San Antonio-based reporters most frequently encounter in covering news in northern Mexico is not language – many of us are bilingual – but transportation. It's not easy to introduce an American-registered vehicle into Mexico.

The *Express-News* provides its photographers with Jeep Cherokees, and when reporters travel with photographers, the Jeeps are the vehicles of choice: they're roomy, they're equipped with security trunks to protect photo gear, and they're tough enough for Mexico's rural roads.

But the Jeeps are leased, and one cannot take a leased vehicle into Mexico without authorization from the leasing company. It, in turn, requires an OK from its insurer, which prefers to issue Mexico authorizations on a six-month basis. Having a car that's ready to pass through Mexican customs is a constant nightmare of paperwork.

As a fallback, reporters and photographers take their own cars into Mexico, buying insurance at a daily rate from border-city agencies. The arrangement isn't perfect: the *Express*, like most American companies, reimburses personal vehicle use at 36 cents a mile. Gasoline in Mexico costs about twice as much as in the U.S.

During our series on pocitos, paperwork was pending for Gerry Lara's Jeep on several days when we needed to make a trip. On one trip, it was damaged by a hit-and-run driver, sidelining it for weeks. On another, for security reasons, we didn't want to take his Jeep because it's emblazoned with the newspaper's logo. The solution was that on about a third of our dozen journeys to the region, Lara had to put up with my personal car, a 1974 Beetle. It's not air-conditioned or comfortable, but it's sturdy, and in Mexico, it's anonymous – and even for fill-ups south of the Rio Grande, it doesn't leave me broke at the pump.

because I live near the border, I've always felt more admiration for *Proceso*, Mexico's often-embattled but leading newsweekly. Through mutual friends, I sent our series to *Proceso's* editors, who translated and published it, along with Lara's photos, on Feb. 3. *Proceso's* work brought the Televisa network onto the scene to film a series that was aired for five days on Mexican prime-time news broadcasts.

The double-bang exposure, on both sides of the Rio Grande, lit a fire under Mexican officialdom. Coahuila state governor Enrique Martinez y Martinez and five area mayors established a mine safety office with its own inspection team. The Secretariat of Labor brought a special safety crew from Mexico City. Before long, the Federal Directorate of Mines, a subagency of the economics ministry, which has jurisdiction over mine concessions, had stationed inspectors in the region as well.

In Mexico, nothing good happens overnight. Coahuila's inspectors have no sanction powers. Federal inspectors can suspend a pocito's operations if they spot an "imminent peril," but to force permanent improvements, they must make two inspections, one to inform mine owners about the standards of law, another to verify compliance. Their findings must be turned over to committees that sit in the Coahuila state capitol, and in Mexico City, and these committees can't impose sanctions without first meeting with the accused.

Disaster chances reduced

Month after month, Lara and I followed the story, as the authorities tiptoed through the mazes. Suspensions came last spring, across the region: more than 50 of Coahuila's some 150 pocitos were forced to improve before reopening. Thorough inspections began during the summer, 140 of them during 2002, compared to 30 in 2001. By year's end, fines had been levied against 50 operators, and more than a dozen had been ordered to shut down for good. The fines, though modest, were also the first in recent history.

Official numbers, like the laws in Mexico, always look good, and pocito operators are shrewd: some, after having been shut down, passed management of their operations to relatives, who resumed production in the same old ways. Others simply ignored the orders that they got. Lara and I last fall made three trips to follow both evasion and compliance. Neither of us are convinced that another disaster won't happen tomorrow – but the chances have been reduced. The Santa Maria field is now a delight: all of its two dozen pocitos have forced-fan ventilation, sufficient to prevent a blow-out. Before, none of them did. In the La Espuela field, where the 13 drowned, all of the pocito operators are now mapping their tunnels; before, nobody did. Two miners have drowned since, but in another field, El Pro-

Jerry Lara | San Antonio Express-News

Pocito workers smile as they emerge into the daylight after working a shift in a mine near Barroteran, Mexico.

greso – all of whose pocitos were shut down the day after the mishap. Only one of them, having met Labor Secretariat standards, has reopened since.

During the whole course of our work, which resulted in 21 stories, we were time and again dismayed by the attitude of pocito miners toward the dangers they faced. They were as fatalistic as I had been. But 10 of them survived the Progreso flood, and having heard of us as we poked around earlier disasters, they came looking for us. About the same time, a couple of government officials, instead of stalling us or denying access to documentation, gave us our first leaks. Today in Coahuila's coal fields, a new disaster is less likely, but if it strikes, everyone knows to call us.

Dick J. Reavis is a senior reporter at the San Antonio Express-News, a Nieman Fellow (class of 1990), and a former staff writer for Texas Monthly. He has reported on Mexico since 1977.

Jerry Lara | San Antonio Express-News

Two miners are lowered into a vertical-shaft pocito near Ejido Santa Maria, Coahuila, weeks after a nearby mine killed 12.

Collaboration pays off

By Dick J. Reavis

Though the way in which Mexican and American reporters practice journalism is converging, important differences – some of which are cultural – have not been resolved. Even in settings for pack journalism, the American reporter often cuts a solitary figure, aloof and alone, because that's the tradition of our trade. Mexican reporters often take us for prima donnas or snobs.

In the prevailing American model, all reporters are competitors, each trying to make a unique mark in a crowded field. American journalists are therefore reluctant to share information or schmooze with their peers. While Mexican reporters are wary of direct competitors, they show a far greater willingness to collaborate with journalists from other locales. When several Mexican reporters work a common news event, they work together more than American reporters do.

It's in the interest of American reporters in Mexico to do as the Mexicans do, insofar as possible, because, after all, Mexicans know the turf better than we do. For example, after a federal official failed to return my repeated phone calls, I groused to a Mexican peer. He took me to a media colleague, who, after a 10-minute chat, gave me the official's cell phone number, solving my problem – to the official's surprise. On another occasion, when I needed to find a pocito operator whose address wasn't publicly listed, a reporter led me to his home.

Collaboration among reporters is not, however, without obligations and perils. Those who assisted me and Gerry Lara have since asked us to return the favor in several ways. It is important, before seeking aid from Mexican reporters, that an American decide where he can and cannot cooperate.

"Mexican reporter says American bureaucrat should be removed," would not be a story in our press, but "American reporter says Mexican bureaucrat…." might be news in a local or regional newspaper in Mexico. Even in chitchat, then, American reporters should be guarded about their opinions: in the worst-case scenario, we can be expelled from the country for expressing them. A dozen times reporters asked Lara and I to opine. Our standard response was, "We're not saying anything while we're in Mexico."

On the other hand, Mexican reporters often need research assistance, just as Americans do. They need information about who owns vehicles that carry American license plates, information about civil and criminal filings, data on the way American businesses or governments are run. My disposition is to provide any information that's in the public realm to those who have, or might someday, help me.

While many Mexican sources are still reluctant to talk to foreign newsmen, a few will speak to us even when they won't receive our Mexican counterparts. When that happens, my standard is that I won't pass on to Mexican reporters information that I believe the source wouldn't want to read in the local press.

In a globalizing world, it is inevitable that reporters of different nationalities will cover the same news events. American reporters have to learn that there are times when, without surrendering our professional stands, there's much to be gained by not standing alone.

BUSINESS OF WAR

Nations conduct war, train soldiers, offer support using corporate hired guns

By Maud S. Beelman
Center for Public Integrity's International Consortium of Investigative Journalists

The buzz-cut, spit-polished American civilians were not hard to spot in the war-torn Balkans of the mid-1990s, but they were curiously out of place. Men of a fighting age wore military fatigues or camouflage and jeans, or the baby blue berets of the United Nations. Besides, there was no official U.S. military presence in the war zone at the time.

And, yet, there they were – American military archetypes, without the uniforms. The employees of Military Professional Resources Inc., mostly former U.S. servicemen, had arrived in the region, under a U.S. government-approved contract, to school the Croatian army in Western military concepts. Whether they were schooling the Croatians – who were at war with their ethnic Serb brethren – in anything else remains a subject of debate, despite company denials. A year later, MPRI was off to Bosnia as part of Washington's effort to equip and train government forces there.

Meanwhile, half a world away, employees of another private military company, called Executive Outcomes, were fighting alongside Angolan government forces in their battle against UNITA rebels. The EO men – former soldiers of the South African Defense Force – later moved on to Sierra Leone to fight the rebel Revolutionary United Front and ultimately to force them to join peace talks with the government.

And in Papua New Guinea, another private military company was contracted by the government to suppress a rebellion in Bougainville and to re-open a lucrative copper mine.

For reporters who had covered the conflicts at the time and were now comparing notes through the network of the International Consortium of Investigative Journalists, this post-Cold War trend could not have been more obvious or more intriguing.

Military proxies

While mercenaries are perhaps the world's second-oldest profession, these new military companies were different. They were often large corporate entities with expertise, resources and high-level government contacts that could fulfill military functions without the kind of accountability most democracies demand of their soldiers. But what happens, we wondered, when governments downsize their militaries in a world that lacks superpower order but is wracked by newer, smaller conflicts? Where is the oversight, and what are the consequences, when nations conduct war or practice military diplomacy through proxies? And how many of these "private military companies" or PMCs, as they later came to be called, are operating worldwide and where?

ICIJ, the international arm of the Washington, D.C.-based Center for Public Integrity, began trying to answer these questions. What followed was a multiyear effort that eventually involved 35 researchers, writers and editors in an investigation that spanned continents. The result, an 11-part series titled "Making a Killing: The Business of War," was published in October and November 2002 in *The Public i*, the Center's online report.

The nearly 80,000-word project turned out to be much larger than the one originally envisioned as an investigation into mercenary companies. That was a direct result of the collaboration of journalist-members of ICIJ, which was created by the center in 1997 to enable just this sort of cross-border investigation into issues that could not be probed adequately by reporters working within their own countries.

ICIJ members first discussed the proposed investigation at a general membership meeting in November 1999, hosted by the John S. Knight Fellowship program at Stanford University.

Phillip van Niekerk, an ICIJ member from South Africa who was editor of the *Mail & Guardian* and would later become the "Business of War" project manager, noted that the mercenary companies were just part of the story. In Africa, Asia and Latin America, mercenaries turned up as business partners to oil, diamond or mining concerns that operated in war zones. What role did these otherwise legitimate businesses play in conflict areas? That question had to be part of our investigation.

But where did the weapons come from and who purchased them – rebels or legitimate

governments, using proceeds from the diamond mines or oil fields under their control, or the mercenary companies as part of the services they provide? The third pillar of the investigation fell into place – the arms dealers.

Like most investigations in their early stages, this one began with a review of what had been written on the subject, both by journalists and scholars. But we had the added advantage of on-the-ground experience of reporters who already knew about or had covered many of the disparate pieces of this puzzle. ICIJ's strength is in "connecting the dots" and, in all, 10 ICIJ members from eight countries provided the "ground truth" to the research being assembled in Washington.

Our next steps at the center were two-fold. We built a PMC database to house and analyze all the information we could gather on private military companies, their principals and their contracts and activities worldwide. We also began filing requests under the Freedom of Information Act, more than 60 in all.

Licensed deadly force

Under the direction of ICIJ researcher Samiya Edwards, the PMC database became a clearinghouse of information regarding private military companies and their activities worldwide. The searchable database, which we posted on our site along with the report, contains information on at least 90 private military companies that operated in 110 countries. We based our work on information from online business records on three continents, contracts and military records obtained under FOIA, and small regional publications, such as the Indian Ocean Newsletter, tracked down at the Library of Congress. ICIJ conducted numerous interviews with PMC personnel and executives, as well as scholars who had been studying the trend toward military privatization. Industry and trade group listservs were catalogued, and the ICIJ research staff began a process of compiling and distilling secondary sources, such as archived news stories, journal articles and op-ed pieces from publications worldwide.

On the FOIA front, we sought information from two dozen federal agencies or departments seeking, among other things, copies of the U.S. government contracts with these private military companies. We also received FOIA documents from law enforcement agencies on the activities of alleged arms dealers. (That said, many of our FOIA requests were rejected or have yet to be

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Getting a running start

By Maud S. Beelman
International Consortium of Investigative Journalists

ICIJ, a network of more than 80 investigative reporters in more than 40 countries, conducts long-term investigations on cross-border topics such as smuggling, money laundering, and crime and corruption. Journalists are invited to join ICIJ based on their professional experience and/or expertise in their home countries.

While immensely helpful, you don't need to have a global network of experienced investigators to internationalize your story.

Here are some suggested shortcuts, though by no means an exhaustive list, which was compiled by the staff of ICIJ (www.icij.org), a project of The Center for Public Integrity (www.publicintegrity.org):

Teaming up

If you don't have a correspondent abroad, try to find a reporter in the country where you need local research and reporting. If it's a topic that a local reporter has been working on, chances are good the local reporter will be eager to combine efforts with you. You can track down good local journalists either by contacting one of several professional associations (see organizations list on page 27) or by consulting online news sites that publish local media from the country in question.

Using super stringers is usually less complicated when it comes time to publish or broadcast. But if you don't have the budget to hire a stringer or have hooked up with a colleague equally interested in producing the story, you can usually arrange simultaneous release of your information with good organization and a little trust.

News sites

There are thousands of media Web sites around the world and several others that link to them, including:

- AJR has a searchable section on world papers at www.ajr.org.
- Online Newspapers.Com at www.onlinenewspapers.com.
- World News.Com at www.wn.com.
- Kidon's Media-Link at www.kidon.com/media-link/index.shtml.
- World News Connection (http://wnc.fedworld.gov), the foreign news service of the U.S. government that offers a for-pay database, at reasonable and short-term rates, of translated news stories from around the world.
- www.foreignwire.com compiles international news from a variety of sources and puts it into a site that is easy to navigate.
- Newsgroups on http://groups.yahoo.com/ can also be a good source to help a reporter find sources or stay on top of a beat
- Radio Free Europe/Radio Liberty (www.rferl.org/) limits its coverage to Eastern Europe and Russia but is a good source on corruption, security and terrorism issues in the region with ongoing coverage as well as newsletters on specific topics.
- www.allafrica.com provides coverage of news from the African continent, including links to media from throughout Africa.
- The Global News Index at www.mediachannel.org.

A tipsheet prepared for the 2002 IRE Annual Conference lists other sites with international information on a variety of beats. Tipsheet No. 1663 is available at www.ire.org/resourcecenter/ or by calling 573-882-3364.

TRACING VICTIMS

Grizzly war crime stories may become more common as reporters cross borders

By Stephen Smith and Michael Montgomery
American RadioWorks

For the past four years, American RadioWorks has been examining the machinery and insidious legacy of war crimes, and the struggle for justice in societies convulsed by mass violence. As local journalists everywhere continue to expand their reach across borders, the lessons we have learned continue to grow in significance.

When we first heard the story about corpses in refrigerated trucks following the withdrawal of Serbian security forces from Kosovo, the regime of Serbian leader Slobodan Milosevic had hastily concluded a yearlong campaign of murder and forced deportation. With the Serbs gone, Western war crimes investigators could begin digging up what looked like hundreds of mass graves. As part of a lengthy investigation into war crimes in Kosovo – using investigative techniques crucial to any story, anywhere – American RadioWorks tracked down what may have happened to hundreds of the more than 3,000 people officially missing in Kosovo.

We got to Kosovo within days of the withdrawal by Serbian security forces. Our initial aim was to select one of the many massacre sites in Kosovo and document who got killed and who did the killing – to describe the anatomy of a "typical" war crime, if one can use such a term. The result was "Massacre at Cuska," a report that aired on National Public Radio's "All Things Considered" and as an hour-long American RadioWorks special report sent to all 600 public radio stations.

In the year it took us to investigate the massacre, we spoke to some two dozen Serbs who had fought in the state security units (all agreed to the interviews on condition of anonymity). Six of the men took part in the killings at Cuska, in which 72 unarmed civilians were executed. One of the men told us what happened after the shooting stopped.

Disposal operation

Our nickname for this guy was "Magnum," on account of the oversized pistol he sat on during our interview, the barrel tucked under his crotch so he could reach it easily. We got his message about who was in charge. We met in a seedy hotel room on the Montenegro seaside. A Disney film flickered on the TV. Magnum told us he served in the Serbian secret police – Slobodan Milosevic's praetorian guard. After some 72 Albanian civilians were killed at Cuska and adjacent villages, Magnum watched the mop-up.

"There was a unit behind us with refrigerator trucks," Magnum told us. "Their job was to clean up the bodies." In separate interviews, other Serbian fighters – and some of the Albanian eyewitnesses – told us similar stories of the grizzly scheme to drag away bodies in Cuska and other parts of Kosovo.

We later returned to the Balkans to further investigate the cover-up operation. According to the International Committee of the Red Cross, most of the 3,000 or more people still missing from the war were ethnic Albanians, but hundreds of Serbs also were unaccounted for, apparent victims of reprisals by Albanians after NATO entered the province. The regime of Serbian leader Slobodan Milosevic consistently denied knowledge of atrocities by its forces. Virtually no one trusted that story, and Western war crimes investigators were exhuming mass graves across Kosovo. Some of them turned up empty, which critics of NATO's intervention claimed as evidence that stories about mass killing in Kosovo were a hoax. At other sites, though, the upturned earth was cluttered with bloody clothing and random body parts.

To investigate the disposal operation, we went back to the network of sources we developed for "Massacre at Cuska." Most of the men lived in the Yugoslav republic of Montenegro, a haven for gangsters. Our sources ranged from low-level thugs who joined loosely formed militias, to career soldiers in the Yugoslav Army, to mid-level officials in the secret police, and well-armed members of paramilitary secret police units closely commanded by former Serbian leader Slobodan Milosevic's inner circle.

With persistence, luck and an excellent researcher in Montenegro, we tracked down several guys who said they took part in the cover-up operation. Some of the fighters spoke of bodies being trucked to mass graves in Serbia. But, time and again, others talked of a single industrial site: a lead smelter in northern Kosovo at a mining complex called Trepca. One of the sources, Milan, a career hoodlum and self-described murderer, met us for several conversations in the cafes of Montenegro's capital, Podgorica.

"I was told that it was enough heat (at Trepca) to destroy everything," Milan said. "Every trace of the stuff they call DNA. I didn't even know what DNA was."

Though he had no experience with metallurgy, Milan drew us a diagram of Trepca's furnace system that later proved to be accurate.

Some men said they drove trucks filled with bodies to Trepca. Others said they rode shotgun in the convoys' security details. One Yugoslav

Michael Montgomery | American RadioWorks

Stephen Smith, managing editor of American RadioWorks, tapes stories for "Burning the Evidence."

Stephen Smith | American RadioWorks

The lead smelter at the Trepca mining complex in northern Kosovo where bodies may have been trucked.

Army artillery officer said his unit was ordered to guard Trepca. A few men acknowledged actually unloading bodies onto conveyors that shuttled fuel and ore to the furnace mouth. One of these fighters – we called him Branko – said that the remains of children and elderly people were frequently among the shipments. Branko said the sight of half-decomposed bodies being piled onto industrial conveyors disgusted many fighters.

"There are scenes that stick with you because you can't believe it happened," he said. "Especially in such numbers. Maybe you can imagine destroying a few bodies here or there. But this was a horrible scene because there were so many – like a factory assembly line – but with bodies."

In each interview, we asked for a detailed description of the smelter – where and how the bodies were off-loaded, how corpses made their way to the ovens, and the like. Several of the men drew sketches of the place in our notebooks. Once we had our data, it was time to see Trepca.

Crushers and ovens

Built along the Ibar river, Trepca is a sprawling and dismal place. Once the industrial engine of Kosovo, its rotted buildings and rust-seized machinery now looked more like a post-apocalypse. The furnaces were cold when we visited. The U.N. acting government in Kosovo closed Trepca down when the obvious was "discovered," that Trepca was excreting toxic chemicals into the

Programs and Fellowships

There are many opportunities for journalists in the United States and other countries to pursue international fellowships, training programs with international content or exchange programs to enhance their abilities and broaden their scope. These are just some of the possibilities:

European Journalism Fellowships of the Journalisten-Kolleg
www.kommwiss.fu-berlin.de/~ejf
Participants spend a sabbatical year at the Freie Universität Berlin to widen knowledge and pursue a major research project.

Duke University Visiting Media Fellows Program
www-pps.aas.duke.edu/centers/dewitt/
Short- and long-term study opportunities to journalists from all over the world. Fellows may study from four weeks up to an academic year. They attend regular university classes, participate in special seminars on media policy issues and visit media companies, government agencies, businesses and nonprofits.

Journalists in Europe
www.europmag.com
Sponsored by the Journalists in Europe Fund, an organization dedicated to improving reporting of European affairs.

John S. Knight Fellowships for Professional Journalists
http://knight.stanford.edu
Awarded annually to 12 U.S. and up to eight foreign journalists. Program gives outstanding journalists an academic year at Stanford to take classes, attend weekly seminars with top speakers and pursue independent study.

United States-Japan Foundation Media Fellows Program
www.japansociety.org/education/fellowship.cfm
Allows journalists to gain professional experience in Japan with the goal of encouraging more knowledgeable, in-depth news coverage.

Robert Bosch Foundation Fellowship
www.cdsintl.org/rbfpintro.html
Nine-month fellowship for young U.S. journalists in Germany with the goal of strengthening ties between the countries.

Pew Fellowships in International Journalism
www.pewfellowships.org
A four-month program intended to help educate early- and mid-career U.S. journalists by providing them with access to leading international experts and offering overseas reporting opportunities.

Neiman Fellowships
www.nieman.harvard.edu/
Awarded annually to 12 U.S. and 12 foreign journalists. They come to Harvard to pursue a course of study of their own design. Nearly every class at Harvard College and in the graduate schools is open to the fellows during their 10-month appointments.

Manfred Woerner Seminar
www.gmfus.org
A 10-day professional development program, designed to examine German/European Security Policy and discuss common U.S.- German security interests. Takes place in Bonn, Brussels, and Berlin.

German Marshall Fund Transatlantic Fellowship
www.gmfus.org
Fellows work in residence at GMF's Transatlantic Center in Brussels and undertake original projects that strengthen the transatlantic partnership.

German Marshall Fund
www.gmfus.org
Offers grants totaling $200,000 each year to enable American journalists to investigate and report on European and transatlantic issues they would not otherwise have been able to cover.

John J. McCloy Fellowships
www.acgusa.org/journalism.htm
Journalists conduct on-site research and interviews abroad for up to 28 days in a self-designed project, investigating a topic oriented toward current, historical or future perspectives.

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Stephen Smith | American RadioWorks

A now-cold furnace at the Trepca lead smelter.

Ibar. When we got to the site, a detail of United Nations soldiers from India guarded the place. A number of local Serbs still worked at the shuttered plant, repairing the refinery, pushing around piles of slag and stirring up clouds of leaden dust. We slipped past the guards with a pair of helpful U.N. officials.

One of the challenges of investigative radio is making the story vivid on the air. On this visit, our U.N .guides did not want their names or voices used. So we became the main characters, narrating into our microphone what the place looked like and how it matched up with the descriptions of our sources.

In one of the scenes in the documentary, one of us huffed his way up a metal staircase along the conveyor system, observing that at several points along the way the path was too narrow for a body to pass. It was a discouraging moment. Without the conveyors, how could hundreds of bodies get from the trucks up to the blast furnace several stories above?

After two separate, extensive tours of the Trepca plant – and a full briefing on how the smelter works by a U.N. official and a metallurgist – we went back to some of the Serbian fighters who said they took part in the operation. In separate interviews, we got a clearer, and more ghoulish, picture of the process. Milan explained that some bodies were winched up in a bucket with a crane hanging from the plant's ceiling. In our inspection of Trepca, the crane's hook dangled just yards away from the blast furnace. Many more, Milan said, were tossed into a machine that grinds up chunks of coal and ore on their way to the furnace.

"At first we tried using the tracks that lead directly to the furnace," he said. "But it didn't work. At least for the bodies that were intact. Most of those bodies were too big to ride on the conveyor. But when ore is being prepared for processing, it has to be ground up and sort of cooked, something like that. So if you put the bodies into the grinder, it's easy." Milan is no metallurgist, but his description of the process matched Trepca's design.

Breaking the story

After nearly a year's work, we broadcast "Burning the Evidence" on "All Things Considered" in 2001. We also wrote an extensive text version of the story for our Web site. Reporters in Kosovo rang up local U.N. officials and other organizations for comment. There was little for them to say, but some officials talked anyway.

An AP writer in Pristina filed a story in which Western officials were quoted as saying there were "no signs of mass burnings." A spokesperson for the Organization for Security and Cooperation in Europe (OSCE), the de facto government in that part of Kosovo, said "Our people have had a report of this, but they found no evidence to substantiate it." She also said that a French forensics team "with sophisticated equipment" for finding human remains failed to find anything at Trepca. The AP writer cast the spokesperson's remarks as a denial of the cover-up.

In fact, as the spokesperson later told us, Western officials had no evidence because they couldn't get to the kinds of sources we did. It was like saying, "I have no evidence that it's snowing outside," without adding, "but I haven't looked out the window." We knew about the French inspection of the mineshafts at Trepca and were unimpressed. Our sources, including senior investigators at the U.N. war crimes tribunal in The Hague, said the smelter was never closely examined. In any case, forensic experts told us there was no way of testing the ash and slag coming out of the smelter for evidence of human tissue, at least not in the field.

Later, AP diplomatic writer Barry Schweid wrote a new top to the Pristina report, quoting State Department spokesman Richard Boucher saying the U.S. had information that "corroborates the broad outline of the campaign by Milosevic's forces to destroy evidence of their crimes." While we had quoted other U.S. officials saying their intelligence reports showed evidence of the Trepca operation, Boucher would not say if U.S. intelligence reports confirmed the burning campaign.

Just a few months later, bodies of Kosovar Albanians started turning up all over Serbia. The story of how a truckload of bodies floated to the surface of the Danube River horrified people around the world. Investigators dug up mass graves in front of international TV cameras.

The Kosovo investigations were an enormous effort for American RadioWorks and its parent organization, Minnesota Public Radio. While the more than $150,000 spent on the project is modest in comparison to a full-fledged TV project of similar magnitude, it is huge by public radio standards.

Michael Montgomery is correspondent for ARW based in San Francisco. He has reported on the Balkans for more than a decade. He is fluent in Serbo-Croat. Stephen Smith is managing editor of American RadioWorks; he produced radio documentaries during and after the war in Bosnia. In 2001, "Massacre at Cuska" won several awards, including the prestigious Alfred I. DuPont Gold Baton. In 2002, "Burning the Evidence" won an IRE Award.

The Reporters Committee for Freedom of the Press is seeking an experienced reporter and editor to serve as its **Robert R. McCormick Tribune Journalism Fellow**.

Description: The recipient of the one-year fellowship will have the opportunity to learn about free press issues first hand. The fellow will write, edit and design for the Committee's publications and Web site.

Minimum requirements: Three years journalism experience and a strong interest in free press issues.

Benefits: $40,000 plus full health benefits for a one-year fellowship beginning in September 2003. The fellow also will audit a course on First Amendment /media law.

Application deadline: April 1, 2003

See www.rcfp.org for more information

GLOBAL CONFERENCE RETURNS TO DENMARK

By Lori Luechtefeld
The IRE Journal

With the first Global Investigative Journalism Conference declared a success, organizers intend for this year's world gathering to be a landmark event.

"The previous conference (held in 2001) brought people together and got them talking," says Brant Houston, executive director of Investigative Reporters and Editors. Organizers intend to come out of this conference having formed an international network of investigative journalism organizations.

The second Global Investigative Journalism Conference, a joint project of IRE and several European journalism organizations, is set for May 1-4 in Copenhagen.

The first conference drew more than 300 journalists from 47 countries. Organizers are hoping attendance will exceed 400 this year, despite depressed economies.

"We can bring together journalists in Copenhagen who will take the critical next steps at creating an extraordinary international network, linking together investigative reporters from around the world," Houston says. "We are excited about the prospects for this new network, which promises to bring state-of-the-art journalism to every country."

To ensure the network gets off to a strong start, IRE and DICAR (the Danish Institute for Computer-Assisted Reporting) are dedicating their own resources to creating a Web directory of organizations and a listserv for the organizations. They hope to work with many organizations, including the Open Society Institute's training centers, to coordinate their efforts.

Many international organizations have agreed to join the network, and even more are being contacted. Representatives from these organizations will attend the conference.

Another chief benefit of the conference will be increasing the ability of reporters to cross borders in pursuit of the story.

"Here in Denmark, we are proud to yet again be able to present the best international investigative and computer-supported journalism," says Nils Mulvad of DICAR. "The four days in May will focus on the best stories and the latest techniques. It's an opportunity to be inspired by new journalistic methods and to learn more about cross-border journalistic collaboration. Attendees can gain insights into how journalists from other parts of the world work and pass on their own experiences."

Conference:
Global Investigative Journalism Conference
May 1-4
Hotel D'Angleterre
Copenhagen, Denmark

Costs:
Member: $310
Nonmember: $360
Students: $250
Banquet: $65

(The cost covers conference fees, coffee breaks and lunch. Hotel and travel are not included.)

The event will include reporting panels, hands-on training in computer-assisted reporting and informal discussion groups.

"It really concentrates on the process of doing investigative work," Houston says.

The conference will feature speakers from over a dozen countries. Already expected to speak: the veteran investigative team of Donald L. Barlett and James B. Steele from *Time*; Charles Lewis, head of the Center for Public Integrity; Maud Beelman, director of the center's International Consortium of Investigative Journalists; John Ullmann, director of the World Press Institute and former IRE executive director; David Kaplan of *U.S. News & World Report*; Fritz Cropp, director of international programs at the Missouri School of Journalism; and IRE Board members David Boardman of *The Seattle Times* and Stephen Miller of *The New York Times*.

Panel topics will include the environment and pollution; public health care, including issues related to terrorist attacks; the military and global weapons trade; how to investigate the pharmaceutical trade; and many more.

Some of the topics of small-group discussions will include cooperating on crime and terrorism stories, electronic access after September 11, rapid-response teams and natural disasters.

The conference will include many CAR classes, including classes in Excel, Access, mapping software, statistical analysis and getting deep into the Web.

"[The computer-assisted reporting classes were] very popular at the previous one, and we believe it applies across borders, no matter what the FOI laws are in a country," Houston says.

FOI and media law experts, such as Charles Davis of the Freedom of Information Center, will

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Len Bruzzese | The IRE Journal

Noemi Ramirez, research director for *El Mundo del siglo veintiuno* in Madrid, describes some international resources to Bulgarian broadcast reporter Alexenia Dimitrova during the 2001 Global Investigative Reporting Conference in Copenhagen.

CIA OFFERS INSIGHT, INTERNATIONAL FACTS

By Carolyn Edds
The IRE Journal

If you're looking for some population information on North Korea, or perhaps just want to pass some time dressing a G-man like a thrift store reject, the Central Intelligence Agency Web site is for you.

The CIA, founded in 1947, gathers foreign intelligence information related to U.S. national security, certainly a hot topic for journalists today. While much of this research is classified, some of the basic information is available on the CIA Web site and can benefit journalists who need information about other countries. And you can always check out the "CIA homepage for kids," which allows junior spies to take a virtual tour of the CIA, or use a drag and click process to "disguise" an agent. (No weapons are present – the most dangerous item may be some moose horns that fit snugly on the agent's head.)

But if you need to turn to more serious matters, such as the lowdown on North Korea, you'll find that Kim Chong-il is not only the General Secretary for the Korean Workers' Party, but also holds the title of Supreme Commander of the Korean People's Army and Chairman of the National Defense Commission.

[While the spelling of personal names follows transliteration systems generally agreed upon by U.S. government agencies – or even preferences of the named officials – spellings will sometimes vary from Associated Press style.]

In the library and reference section of the CIA Web site, visit the link to "Chiefs of State" to learn other key players in North Korea's government. Included, you'll find the date the page was last updated, but the introduction notes the page is updated on a weekly basis.

Another area in the library and reference section that can benefit journalists is the CIA "World Factbook" located at www.cia.gov/cia/publications/factbook/index.html. The "World Factbook" is updated annually, although some data and maps are updated during the year. The first unclassified version of the "World Factbook" was published in 1971 and in 1975 it was made available to the public through the U.S. Government Printing Office.

At the top of the page of the "World Factbook," select the country of interest from the dropdown menu. Each country page has a map of the country including major cities. After an introduction with some background about the country, the available categories of information include geography, people, government, economy, communications, transportation, military and transnational issues.

Each category has two icons. Click on the icon that looks like an open book to get a definition of that category. The other icon, which looks like a single page from a book, provides a field listing. This means if this icon is selected while reading the "elevation extremes" category, then the resulting page will show the elevation extremes for all countries in the "World Factbook."

Continuing with North Korea as an example, you can learn that the country – actively flaunting its weapons of mass destruction – is actually only a bit smaller than Mississippi. It has a population of 22,224,195, but has problems like starvation, polluted water, water-borne diseases, deforestation and soil erosion. If you're interested in a good time to visit (or invade): There are late-spring droughts often followed by severe flooding. Of course, there is the occasional typhoon in early fall.

Other information in the "World Factbook" includes the name, address and phone numbers of the ambassador in the U.S. for that country as well as that of the U.S. ambassador in that country. The economy category includes a summary of the country's economy as well as estimates on specific topics such as the GDP, population below the poverty line and the labor force. The communications section includes information about the number of telephones, radio and television broadcast stations.

The main CIA site also posts special reports, like an unclassified report to Congress on various nations' attempts to acquire "weapons of mass destruction." Recent speeches and testimony by CIA officials can be found here as well.

An electronic reading room offers access to previously released CIA documents and walks you though the process of filing FOIA requests.

And lest you think the term "intelligence community" is just a general description, this site offers links to the 14 organizations (or portions thereof) that make up an official group named the IC – Intelligence Community. The group even has its own Web site, www.intelligence.gov.

Carolyn Edds is the Eugene S. Pulliam research director for IRE. She directs the IRE Resource Center and helps maintain Web resources.

GUEST COLUMN

Silenced for their work: Journalists are at risk throughout the world

ABI WRIGHT

In late January, in a sweltering maximum-security prison outside of Mozambique's capital Maputo, six men were found guilty of murdering investigative journalist Carlos Cardoso, bringing to a close a landmark trial that captivated the southern African nation for months. Mozambique's leading investigative journalist, Cardoso was ambushed and gunned down execution-style in the streets of Maputo in November 2000. At the time of his death, he had been relentlessly pursuing a story about high-level bank fraud.

In Cardoso's case, the story did not die with him; many of those responsible for his murder have been brought to justice or are being investigated, including the president of Mozambique's son Nyimphine Chissano. But for the vast majority of journalists who are killed in the line of duty – 94 percent according to CPJ research – their murderers remain at large or unpunished. In 2002, of the 19 journalists who were killed in the line of duty, 11 of them were local investigative journalists who were murdered in direct reprisal for their work. Most were killed with impunity. Local investigative journalists face special risks as the stories they are working to uncover often die with them.

Murder is not the only tactic used to silence journalists. Imprisonment is the most severe tactic routinely used by governments to suppress critical reporting. For the second year in a row, the number of journalists in prison around the world rose sharply. There were 136 journalists in jail at the end of 2002, a 15 percent increase from 2001 and a shocking 60 percent increase since the end of 2000. In hundreds of other cases, all documented in CPJ's annual press freedom report "Attacks on the Press," journalists were assaulted, censored, harassed or threatened, just for doing their jobs. Restrictive tax codes and other financial penalties are also popular means of controlling and stifling local reporters.

Two stories from the lists of journalists who were killed in 2002 illustrate the risks reporters take for their work: Tim Lopes, an award-winning investigative reporter from Brazil who disappeared while working undercover in the slums of Rio de Janiero; and Edgar Damaliero, a newspaper editor and radio commentator from the Philippines who was shot and killed by a single bullet while driving home from a press conference.

Lopes, 50, was a TV news reporter investigating a story about traffickers abusing drugs and minors in Brazil's *favela*, or slums. Local residents had told Lopes that they were powerless against the drug traffickers and had complained about the lack of police action. He was filming undercover when he was discovered to be a reporter. According to two suspects, Lopes was kidnapped, beaten, shot in the feet to keep him from escaping, and sentenced to death at a mock trial. A known drug trafficker then stabbed him with a sword and killed him, said the suspects. Important arrests have been made in Lopes' shocking murder, but no date has been set for the trial.

Damaliero, 32, was known for his critiques of corruption among local politicians and the police in the rural area of the Philippines where he lived. He was shot and killed in his car by a gunman riding on the back of a motorcycle. Two witnesses in the car identified the gunman as a local police officer, but he was only briefly detained and was never charged. In the countryside, far from the capital, warlord politics, official corruption and a breakdown in the justice system have contributed to the fact that 39 journalists have been murdered since democracy was restored in 1986 – and all those cases remain officially unsolved. Damalerio was the 39th journalist murdered in the Philippines since independence.

Even with these grisly stories, the tally in 2002 is the lowest number of journalists killed in the line of duty that CPJ has recorded since it began tracking the deaths in 1985. The dramatic drop is partially attributed to a decline in the number of world conflicts. According to CPJ research, a direct correlation exists between the number of journalists killed on the job and the incidence of violent conflict, which

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Abi Wright is the communications coordinator for the Committee to Protect Journalists, a nonprofit organization that works to safeguard press freedom worldwide. For more information about Carlos Cardoso, and the journalists killed in 2002, visit CPJ's Web site (www.cpj.org).

Web sites offer international angles

There are many other sources for international reporting, and The Investigative Reporter's Handbook (Bedford/St. Martin's) includes a chapter, "Crossing Borders: International Investigations," offering a number of insights and lessons learned from journalists tackling such stories. The handbook, which can be purchased at www.ire.org/store/books/rh4.html or by calling 573-882-3364, also offers some useful Web sites, including:

- **Arms Trade News**, www.clw.org/atop.html
- **Article 19**, www.article19.org
- **Bureau of Labor Statistics' foreign labor statistics**, www.bls.gov/fls/home.htm
- **Census Bureau Foreign Trade Statistics**, www.census.gov/foeign-trade/www
- **Centers for Disease Control and Prevention**, www.cdc.gov
- **Centro de Periodistas des Investigacion**, www.investigacion.org.mx
- **Editor & Publisher**, www.mediainfo.com
- **Global Yellow Pages**, www.globalyp.com/world.htm
- **Governments on the World Wide Web**, www.gksoft.com/govt/en
- **International Monetary Fund**, www.imf.org
- **International Monetary Fund Country Information**, www.imf.org/external/country/index.htm
- **Investigative Reporters and Editors**, www.ire.org
- **IRE Beat Source Guide**, www.reporter.org/beat/inter.html
- **Library of Congress**, www.loc.gov
- **National Archives and Records Administration**, www.nara.gov
- **Online newspapers**, www.onlinenewspaper.com
- **Securities and Exchange Commission**, www.sec.gov
- **Teldir telephone directories**, www.teldir.com/eng
- **U.S. Census Bureau International Data Base**, www.census.gov/ipc/www/ibdnew/html.
- **World Bank Regions**, www.worldbank.org/html/extdr/regions.htm
- **World E-Mail Directory**, www.worldemail.com

VETERANS OFFER HELPFUL SITES IN INTERNATIONAL INVESTIGATIONS

By Gina Bramucci
The IRE Journal

IRE members have made their mark in cross-border investigations and foreign reporting during recent years. From the U.S.-Mexico border to the concentration camps of Kosovo, *The IRE Journal* is proud to spotlight stories that expose international corruption, investigate war crimes, reveal injustices and stir the global conscience.

As is the case with domestic reporting, the Internet is now a rich statistical source for international journalism. Online databases and documents give stories greater depth and context, and can often steer journalists toward the overlooked or neglected international story.

The Web also is opening doors for reporters who once felt limited by domestic bureaucracies or low budgets. A vast amount of once hard-to-find data is now easily accessible online. Using the Web as a tool makes it more important than ever to look beyond your own borders.

IRE conferences often feature panels and workshops for enriching international reporting. We've asked a handful of past panelists and award-winning journalists for their favorite places to look for data, documents and statistics online. Their list is by no means exhaustive, but it's a good jumping-off point for international stories in a wide range of topic areas.

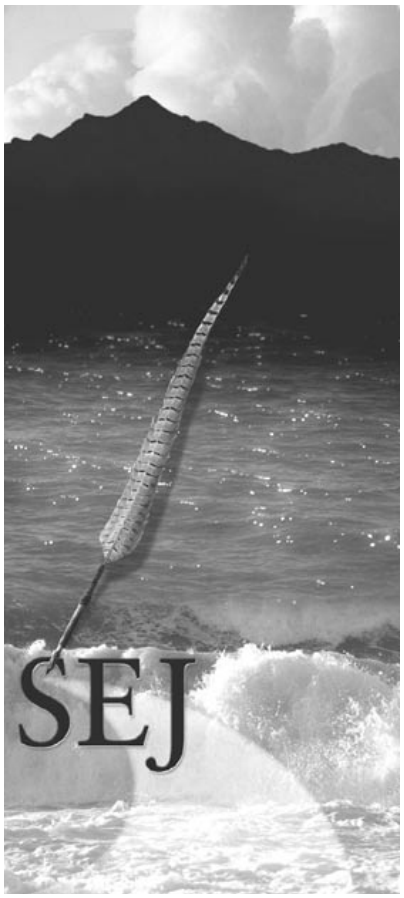
One proviso: While the Internet is a boon to investigative reporting, it's crucial to use the same checks and balances you would use offline. "Find reliable sources, check your facts and get confirmation," says David Kaplan of *U.S. News & World Report*.

Kaplan says he relies most on sites that are linked to established organizations like government agencies, respected non-governmental organizations and professional organizations. Just throwing data online doesn't assure accuracy, he says. "I don't care how many hits the site gets."

Terrorism, weapons

The threats of global terrorism and nuclear weapons are not likely to fade from public view in coming years. For journalists working in this area, the independent Center for Defense Information (www.cdi.org) researches global military spending and activity, and highlights special issues such as missile defense and nuclear weapons.

For his own work covering terrorism, crime and government, Kaplan checks in with a handful of sites. Some of his favorites are the Center for Nonproliferation Studies at the Monterey Institute of International Studies (http://cns.miis.edu), the Nuclear Threat Initiative (www.nti.org), the U.S. Department of State Counter-terrorism Office (www.state.gov/s/ct/) and the Interna-



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DEADLINE: **April 1, 2003**

For official rules and entry forms, please visit our Web site at www.sej.org, email sej@sej.org or call (215) 884-8174.

Society of Environmental Journalists
P.O. Box 2492
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tional Policy Institute for Counter-terrorism (www.ict.org/il/inter_ter/frame.htm).

Researchers at ICIJ, the international investigative arm of the Center for Public Integrity, point to the Stockholm International Peace Research Institute (www.sipri.se) and the Federation of American Scientists (www.fas.org) as two of their top places to look for data on issues like military expenditures, arms trade and conflict. FIRST, Facts on International Relations and Security Trends (http://first.sipri.org/), a joint project of SIPRI and the International Relations and Security Network, also offers databases free to journalists. FIRST gathers its information from research institutes around the world and covers the fields of international relations, armed conflicts, peacekeeping, arms production and armed forces.

Covering conflict almost always involves some aspect of human rights violations or breaches of international law. The office of the U.N. High Commissioner for Human Rights (www.unhcr.ch/tbs/doc.nsf) has a database of documents related to torture, discrimination, cultural rights, children's rights and the rights of migrant workers. The Research Guide to International Law on the Internet (http://www2.spfo.unibo.it/spolfo/CRISIS.htm) is a good second stop for a copious list of links on international law, conflict and humanitarian crises. Non-governmental organizations also have done extensive work here and often have sources qualified to speak on specialized topic areas. Some of the most frequently cited include Amnesty International (www.amnesty.org) and Human Rights Watch (www.hrw.org).

Corruption, governance

Transparency International (www.transparency.org) is one of the best-known resources for information on international corruption. Its annual transparency index is often cited by reporters seeking to gauge the level of corruption in a society, and its searchable online database makes bibliographical references and full-text documents available. Another useful site is the Utstein Anti-corruption Resource Center (www.u4.no), a collaborative project managed by Transparency and Norway's Chr. Michelsen Institute, a private research foundation working in development and human rights.

Journalistic skepticism is always useful,

Datasets, statistics available for international reporting

- The U.S. Census Bureau offers Summary File 3 data, including information on ancestry, listed by nation, and the place of birth for those not born in the United States. For example, the census counted 24,350 people living in California who were born in Romania.
  Detailed documentation: www.census.gov/prod/cen2000/doc/sf3.pdf
  Obtaining the data: www.census.gov/Press-Release/www/2002/sumfile3.html.

  In addition to detailed data, the Census Bureau also offers demographics and socio-economic data about 227 countries and areas of the world: www.census.gov/ipc/www/idbnew.html.

- For reporters covering border states in North America, the U.S. Bureau of Transportation Statistics offers counts of people legally crossing borders and links to the International Visitors Arrivals Program, listing official monthly overseas visitor arrivals to the U.S., maintained by the Office of Travel and Tourism Industries, an agency under the Commerce Department.
  Bureau of Transportation Statistics data: http://itdb.bts.gov/
  Office of Travel and Tourism Industries statistics: http://tinet.ita.doc.gov/research/

- The Commerce Department also oversees the International Trade Administration, which offers trade statistics and state export data: www.ita.doc.gov.

- The World Health Organization provides statistics – sometimes even as downloadable Excel files – ranging from healthy life expectancy to alcohol consumption: www.who.int/whosis/

- The Immigration and Naturalization Service provides statistical snapshots about the movement of people in and out of the United States: http://www.ins.gov/graphics/aboutins/statistics/.

The IRE and NICAR Database Library can provide these databases that might add depth to international stories:

- Federal Procurement Data System
  Although the U.S. government is based in Washington, D.C., this database quickly shows that federal agencies spend money in almost every country. Kept by the General Services Administration, the database contains all federal contracts from 1992 through 2001 worth more than $25,000. For fiscal year 2001, the database includes more than 560,000 contracts, with details such as the company name and address, the amount of the contract and the government agency. IRE members can search the data online from the Campaign Finance Information Center: http://notes.ire.org/cfic/fpds/index.html.

- Immigration and Naturalization Service Legal Residency
  The database contains information on people who were admitted as immigrants between 1980 and 2000. The data contains information such as country of birth, occupation and the state and Metropolitan Statistical Area of intended residence. The database gives detailed profiles of the legal immigrants who come to the United States, so a journalist can track what occupation groups are most wanted and how that fits the demographics of a particular area.

To find out more about the databases, including cost and ordering instructions, go to www.ire.org/datalibrary/databases/ or call the NICAR Database Library at 573-884-7711.

but don't underestimate the potential of the agencies themselves as sources of data. Nils Mulvad, director of the Danish Institute for Computer-Assisted Reporting, says he has seen a trend toward greater transparency and open electronic data.

The WTO makes trade statistics available on its own site (www.wto.org) as well as through the International Trade Center (www.intracen.org), a site operated in cooperation with the United Nations. And for tracing the money trail, sites like the U.N. Procurement Division (www.un.org/Depts/ptd/) allow for searches on companies providing goods or services to any U.N. departments, peacekeeping missions, regional commissions and international tribunals.

With multilateral bodies showing signs of openness, journalists working internationally must maintain the pressure on authorities, Mulvad says. "We face an evolution right now … but the process is slow and needs to be helped by journalists."

Census data

Official sites are the best place to look for reliable census data. The U.N. Department of Economic and Social Affairs (http://unstats.un.org/unsd/databases.htm) and the International Labor Organization (www.ilo.org) provide a wealth of statistical information on the international level. The U.S. Census Bureau (www.census.gov/ipc/www/idbnew.html) and the Council for European Social Science Data Archives (www.nsd.uib.no/cessda) also make international data available.

Sofia Basso, a reporter for Italy's online news outlet *Il Nuovo*, says she relies most heavily on the European Union site (http://europa.eu.int/comm/eurostat/) for data on EU members and candidates.

Cross-border investigations using census data often merit a look at income disparities. The World Income Inequality Database, (www.undp.org/poverty/initiatives/wider/wiid.htm), was developed by the U.N. Development Program and the United Nations University to provide data from 1950 to 1998.

Declassified information

It's important to remember that data not available in one country is often accessible through these online databases or documents originating in other countries. "I have the habit of looking once a month at what new documents have been declassified in the USA or in the U.K.," says Noemi Ramirez, resource librarian for Spain's *Diario el Mundo*.

One of the foremost sites in this area is the National Security Archives (www.gwu.edu/~nsarchiv/), a library of more than 20,000 records on international affairs. The NSA, founded in 1985, has used the Freedom of Information Act to build its online holdings; it also hosts a subscriber-based digital archive with nearly 40,000 documents.

Similarly, non-governmental initiatives such as Paperless Archives (www.paperlessarchives.com), the Cold War International History Project (http://cwihp.si.edu/default.htm), the Parallel History Project on NATO and the Warsaw Pact (www.isn.ethz.ch/php/), have worked to declassify thousands of documents, photos and recordings.

Sites such as these are a tremendous asset to journalism and international investigations. But browser beware: It's easy to be pulled in as you surf your way through volumes of information. Don't forget deadline.

Gina Bramucci is an editorial assistant for The IRE Journal and a graduate student at the University of Missouri School of Journalism. She is currently working on her master's project in Africa.

Business of war

CONTINUED FROM PAGE 25

processed.)

In attempting to understand the evolution and regulation of private military companies, ICIJ writer Laura Peterson obtained from the Pentagon's Directorate for Information Operations and Reports spreadsheets documenting the number and value of the department's contracts with American PMCs since 1994. Under FOIA, we obtained several of the contracts, resulting in revelations that private military companies were frequently tasked with creating their own performance evaluations and sometimes licensed to use deadly force.

We also reviewed federal lobbying records that showed several private military companies had lobbied on defense appropriations, government outsourcing and foreign export issues. Other lobbying documents showed that 23 of the world's 50 largest oil companies retained representatives in Washington and had lobbied on free-trade agreements and diplomatic relations with a host of oil-rich countries. ICIJ also obtained documents related to the corruption scandal of one of France's major oil companies, which had been enmeshed for years in African politics.

Drawing on classified intelligence files from several countries, U.N., government and NGO reports, court and company records, and interviews with intelligence operatives, arms dealers, and experts and researchers in the field, ICIJ writer André Verlöy led the effort to piece together the shady world of arms traffickers. Through our network of reporters, we obtained Italian court records detailing the case against alleged arms dealer Leonid Minin; intelligence files on reputed Russian arms trafficker Victor Bout; and investigators' files in the prosecution of alleged arms dealer Arcadi Gaydamak. By using online aviation databases and company records, we were able to track how arms dealers changed aircraft registrations when authorities closed in on their trail. Such information helped us understand how these groups and individuals operated – knowledge that helped us gain access to the players themselves.

Center managing editor Bill Allison and I worked with Van Niekerk and the ICIJ team members to put this mass of fascinating detail into a compelling narrative. Coordinating the work of reporters with differing national journalistic traditions can be a challenge, but because ICIJ members are carefully vetted before being invited to join the consortium, the similarities in skill and experience far outweighed the differences.

A team of fact-checkers, led by the center's research editor Peter Smith, then pored over every word. As the targets of our investigation were private companies and individuals, the series was reviewed by two Washington law firms – the most thorough legal review in the history of the center's 200-plus reports and books.

The "Business of War" investigation has since been picked up by print, broadcast and online media in 12 countries and has been well-received by experts in the field.

Maud Beelman is director of the International Consortium of Investigative Journalists at the Center for Public Integrity in Washington, D.C. As an AP foreign correspondent, she covered the wars in former Yugoslavia from 1991 to 1996.

Global Conference

CONTINUED FROM PAGE 29

hold panel discussions and Q&A sessions about open record laws and sensitivity issues involved with publishing on the Web.

Organizing groups include IRE, the Danish Association for Investigative Journalism, the Danish Institute for Computer-Assisted Reporting, the Mid-Career Institute for Journalism in Denmark, the Danish School of Journalism, the European Journalism Centre, Grävände Journalister in Sweden, The Association for a Critical and Investigative Press in Norway, Investigative Journalists in Bulgaria, Netzwerk Recherche of Germany, and Vereniging van Onderzoeksjournalisten, an organization of Dutch-speaking journalists in Flanders (Belgium) and the Netherlands.

Sponsoring the conference are Politikens Fond, Ophavsretsfonden, DagspressensFond and the newspaper *Information*.

Lori Luechtefeld is a graduate student at the Missouri School of Journalism and magazine studies intern with The IRE Journal.

Guest column

CONTINUED FROM PAGE 31

can give those who target journalists the ability to do so with impunity because of the instability that war fosters.

In 1994, for example, 66 journalists were targeted for their work while civil wars raged in Algeria, Bosnia, and Rwanda.

Another factor in the decreasing number of journalists' deaths may be the result of the international attention that *Wall Street Journal* reporter Daniel Pearl's kidnapping and murder early last year garnered. In the wake of Pearl's death, journalist safety became a priority for news organizations; many sent their staff to hostile-environment training, and reporters were better prepared in the field. Bulletproof vests may have saved the lives of two journalists in Venezuela and another in the West Bank, where three other journalists survived being shot because they were driving an armored vehicle.

Using the tools of journalism to expose those who would silence reporters may be the best weapon journalists have. CPJ helped do just that in Mozambique by using consistent attention and pressure on local officials to investigate Carlos Cardoo's murder, and finally bring his killers to justice.

Programs and Fellowships (continued from page 27)

Hong Kong Journalism Fellowships
www.eastwestcenter.org/sem-ov.asp
Fellows meet with business executives, scholars, journalists, political leaders and government officials, attend a two-day China Seminar at the East-West Center and a 10-day study tour.

Jefferson Fellowships
www.eastwestcenter.org/sem-ov.asp
The four-week program is an immersion course on cultures and current issues of Asia through seminars, field study, meetings, lectures and discussions on key regional issues.

Asia Pacific Journalism Fellowships
www.eastwestcenter.org/sem-ov.asp
Includes a two-day Asia Seminar at the East-West Center in Honolulu followed by a 10-day study tour to Singapore and Taipei.

Several programs are administered by the Council for International Exchange of Scholars:

Fulbright Senior Specialists Program
www.cies.org/cies/specialists/
These two- to six-week grants allow U.S. professionals to collaborate with professional counterparts.

Fulbright Scholar Program
www.cies.org/us_scholars/
Grantees go abroad to lecture and conduct research for two months to an academic year.

Fulbright New Century Scholars Program
www.cies.org/NCS/
Top academics and professionals collaborate for a year on a topic of global significance.

The International Center for Journalists (www.icfj.org) offers several international fellowships for U.S.-based journalists:

World Affairs Journalism Fellowship Program
www.icfj.org/worldaffairs.html
Intended for experienced journalists at community-based daily newspapers to conduct overseas research and then submit articles to their local papers in an effort to establish connections between local-regional issues and what is happening abroad. Up to three weeks.

Knight International Press Fellowships
www.icfj.org/fabroad.html
Spend from two to nine months abroad in a variety of teaching, training, consulting and assistance roles, usually working in conjunction with overseas media centers.

McGee Journalism Fellowships in Southern Africa
www.icfj.org/mcgeebro.html
A U.S. journalist will be posted to one or more countries in southern Africa for three to four months to share expertise with colleagues in the region.

Arthur F. Burns Fellowship Program
www.icfj.org/burns.html
A two-month working fellowship for young German and American print and broadcast journalists in which 10 participants from each country work at counterpart news organizations.

Japan-U.S. Journalists' Exchange
www.icfj.org/JapanUSExchange.html
A two-week exchange program designed to orient U.S. and Japanese journalists on the key issues of Japanese-American relations through visits with news media, business leaders and government officials.

Ford Environmental Journalism Fellowships
www.icfj.org/FordBrochure.html
Fellows train journalists about how to cover urban problems in the megacities of the developing world.

SILENT ABUSE

Records, sources prove long-running sex abuse at state school for deaf

By Ruth Teichroeb
Seattle Post-Intelligencer

The high school teacher who called pleaded with me to investigate. He had heard story after story from his deaf students about them suffering sexual abuse at the state-run Washington School for the Deaf.

Local media had reported several alleged rapes on campus the previous year and a state senator had worked to improve safety at the residential school. But authorities were treating the attacks as isolated events.

A couple of months later, I made time to do some preliminary digging.

What I found propelled me into an eight-month investigation that documented the school's failure to protect children from sexual abuse for at least a half-century. A follow-up story uncovered a similar pattern at schools for the deaf in other states, pointing to a nationwide problem.

My first step was a visit to the 120-student residential school located three hours south of Seattle in Vancouver, Wash. The school's superintendent gave me a tour, describing academic and residential programs in glowing details. He insisted the reported rapes had never happened.

The superintendent also handed me a book outlining the 115-year-old school's history, including a list of alumni from recent decades. It became an invaluable resource as I searched for former students who had witnessed or suffered abuse.

At the same time, I interviewed several parents whose children had allegedly been abused at the school. They gave me a pile of school incident reports from the previous year. The vague descriptions of students' attacks on each other were unsettling.

My internal alarms were going off. Having covered child abuse for a decade, I recognized that downplaying such behavior, especially in an institutional setting, left students vulnerable. Their communication barriers isolated them even more. And mixing children as young as 5 with students up to 21 years old added more risk.

Abuse festers

I decided to file state public disclosure requests to learn more about the alleged sexual assaults. I asked for school incident reports dating back to when the superintendent had been appointed two years earlier. For the same time period, I filed a request for 911 calls from the school and asked for police incident reports on every call that involved a sex crime or possible assault. To shorten my wait, I negotiated with police to keep my request broad enough to capture major incidents but specific enough to exclude vandalism, break-ins, etc.

I also filed requests for child protective services investigations at the school from the state Department of Social and Health Services (DSHS) and asked for correspondence between the school's superintendent and Gov. Gary Locke's office. The school is an independent state agency and reports directly to the governor's staff. Finally, I asked for any correspondence between Locke's office and DSHS regarding the school.

Confidentiality laws governing the release of juvenile records limited what state agencies could provide. All names and addresses were removed as expected – but so were a lot of other key facts, such as genders and ages. I had to negotiate to get state officials to comply with the intent of the law.

When the first wave of documents arrived, I set up an Excel file to track incidents and match the various reports by date since names had been deleted. Eventually I was able to add the names of some victims and perpetrators identified from other sources. The Excel database was an invaluable tool since I soon had hundreds of entries. With assistance from our computer-assisted reporting expert, Lise Olsen, I also used Access to analyze portions of the Excel data near the end of my investigation.

Each type of document was crucial to piecing together the puzzle of how the abuse had been allowed to fester for so long at the school.

And the records requests sometimes revealed other documents I did not even know existed.

While perusing one victim's police file, I discovered a key school document I had not seen before – a report for alerting state child protective services about a possible incident of abuse. I immediately filed a public disclosure request asking the school for these reports dating back 10 years.

School officials refused, citing a long list of state statutes, including a loophole allowing them to withhold documents if an investigation is not completed. The school claimed that since DSHS had not officially notified them that the abuse investigations were completed, they did not have to release a single report from the previous decade. As ludicrous as that was, even the newspaper's lawyer agreed we were stuck.

About a month later, I was going through correspondence released by DSHS when I struck gold: a letter from the director of DSHS to the governor assuring him that the agency had thoroughly investigated allegations of abuse at the school and that all cases were closed as of that date. Our lawyer faxed a copy of the letter to the school's lawyer and the school was forced to produce a decade's worth of reports.

Deaf abuse victims

At the same time, my interviews with abuse victims had convinced me that sexual abuse by staff and students had plagued the school for decades. Two men in their 50s described assaults they'd suffered while living in residence as young boys. That prompted me to expand my initial public disclosure requests to a 10-year time frame.

Even tougher than prying documents out of reluctant state officials was convincing deaf abuse victims and their families to talk about what had happened. I was an outsider in the deaf community and could not communicate in American Sign Language (ASL), and I was asking painful questions about an institution seen by many as one of the few places deaf children could become fluent in ASL and learn about deaf culture. (Today, about one in 10 deaf children attend state-run schools for the deaf. The number has declined steadily since 1975 when a federal law ordered local school districts to provide

services to disabled children.)

I soon discovered that the usual methods of contacting sources did not work. Many in the deaf community did not have regular phone numbers and could not be located through the usual listings.

Even when they did have phone numbers, I could not talk directly to them but had to go through a TTY (text telephone) operator. A TTY operator types your exact words into a machine, relaying them in print to the deaf person on the other end. They type in their responses and the TTY operator reads it to you. It's a tedious and impersonal process, and almost useless for establishing rapport with a stranger. I became acutely aware of how much I usually relied on my voice to reassure and connect with someone on initial contact, especially about a sensitive topic such as sexual abuse.

The best way of finding former students turned out to be through the grapevine, since the deaf community is like a small town. I slowly built up sources by hiring ASL interpreters and interviewing people "on background." Once they trusted me, those sources put me in touch with abuse victims. Sometimes I had to wait months before that happened.

E-mail and instant messaging were great tools for communicating with deaf sources. Almost everyone in the deaf community is online. Instant-message interviews allowed me to communicate directly, rather than relying on an ASL interpreter. That worked well except when the person was not literate in English. ASL is a visual language with a different syntax than English and makes no sense when translated literally.

Of course, there's no substitute for a face-to-face interview, so I hired ASL interpreters in many cases.

Navigating the politics of the deaf community was another challenge. Almost everyone knew someone who had suffered abuse at one of the state schools. And almost everyone had a reason why they didn't want to talk about it.

Many said they feared being blacklisted by friends and acquaintances. They didn't want to be blamed if the bad publicity forced the school to close. Several abuse victims who did speak out suffered a backlash after the articles ran.

We decided to investigate the allegations of abuse at other state-run schools for the deaf, focusing on Oregon, Arkansas and North Carolina. I met with limited success using public disclosure laws to get documents in other states. In Arkansas, we had to hire a lawyer just to file our requests because nonresidents can't use state public disclosure laws. But I did obtain enough documentation, in addition to interviewing former students and others, to raise questions about a similar pattern of abuse at schools for the deaf across the country.

My stories eventually prompted Gov. Locke to order major safety-related reforms at Washington's school. Nine former students have filed civil lawsuits against the state, while legislators passed several bills last spring to provide more external scrutiny of the school.

Ruth Teichroeb is an investigative reporter with the Seattle Post-Intelligencer. Her series about abuse at schools for the deaf won several regional and national awards.

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SCHOOL CREDIT

CAR lessons lead to story on independent study flaws

By Deb Kollars
The Sacramento Bee

As an education reporter at *The Sacramento Bee*, I've done my share of investigative work over the years. In 1998, for example, I published a three-part series exposing phony dropout rates in public schools. The articles helped lead to state-level efforts to reform the inaccurate dropout counting system.

Until recently, however, I was strictly one of those low-tech, pencil-and-paper types. For the dropout stories, I used a little hand-held calculator from Target and taped-together sheets of paper to keep track of all the numbers. People made fun of my homemade charts as they walked by my desk, but it got the job done and I stubbornly clung to my old-fashioned ways.

My conversion to computerland finally came last year. Looking back, I wish I had jumped in much sooner in my career. It was hard and scary and confusing, but the end results made it all worthwhile.

The subject this time was yet another education topic – independent study.

The program was created a quarter-century ago to accommodate special kids with unique needs, such as aspiring Olympic gymnasts or professional actors. By law, independent study is supposed to match or exceed the standards of regular schools.

But as I began to discover, that is not what is happening. Instead, high school students who aren't making it in regular schools are being channeled into independent study programs. They don't go to school, see teachers as infrequently as once a month, study when they feel like it, and earn high school credit for watered-down and highly questionable courses. Some kids even receive credit for babysitting or vacuuming the house. Independent study schools get the same amount of basic funding – about $5,000 per student – as regular schools, even though it often costs as little as half that amount to deliver their education.

Bryan Patrick | Sacramento Bee

Steven Sias dusts his bedroom for independent study "life skills" credit. His mother is at work.

Data-crunching time

It was easy enough to find anecdotal evidence about the troubling aspects of independent study. It's a hot topic among kids these days. The word is out that this is an easy way to get a diploma, and teenagers are flocking to the programs by the thousands. A check with the state Department of Education showed that over a 10-year period, the number of California teenagers on independent study grew from 34,000 to more than 60,000. Here in Sacramento, one independent study charter school had grown to 4,000 students in grades K-12 in just two years. Throughout the region, I found many kids willing to talk about how they were able to sleep until noon every day or how they completed a year's worth of science credits in just a month.

Principals and teachers at the schools were highly defensive. They insisted that the students I interviewed did not represent the norm, and that the programs were rigorous and comparable to a traditional high school education.

At that point I turned to a neutral source – the computer. And through some fairly simple (at the time it seemed so daunting) data-crunching on the computer, I was able to report with absolute confidence that independent study had an abysmal record in educating teenagers. This was true whether looking at preparation for college, vocational education or graduation rates.

Computer-based work can be a lonely business, but my editor, Amy Pyle, listened and encouraged me at every step. As *The Bee*'s projects editor, she has a background as an education reporter and was anxious to see the paper do more computer-assisted work.

When I first began, I didn't even know how to download something from the Internet. So I turned to our head librarian, Pete Basofin, who helped me download several huge data files from the state Department of Education's Web site. The computer tech staff at *The Bee* installed Access, a database program, on my computer. Basofin helped me import the downloaded data into Access tables.

I used two sets of data. One was a statewide listing of all schools that showed student enrollments, including kids in independent study. The other was a statewide listing of school performance data, including enrollments in critical

CAR TRAINING

The National Institute for Computer-Assisted Reporting (NICAR), a joint program of IRE and the Missouri School of Journalism, offers a range of training in CAR tools at Missouri boot camps, in on-the-road seminars and at the IRE Web site (www.ire.org). NICAR also publishes a newsletter, *Uplink*, focused on stories that have used these tools.

Chapter 3 of "The Investigative Reporter's Handbook: A Guide to Documents, Databases and Techniques" by Brant Houston, Len Bruzzese and Steve Weinberg (Bedford/St. Martin's), explains how CAR can be used in investigative reporting.

courses such as higher math and chemistry, as well as vocational education.

With the help of Basofin, who is familiar with Access, and Pyle's "Access for Dummies" book, I began running queries to find out the things I wanted to know.

First, I needed to gather the names of all schools in the state that offered independent study.

Once I had this listing, I ran cross-database queries asking how many students at each of those schools were enrolled in upper-level math or science courses – an indicator of the quality of a school's college preparation efforts.

At those schools, I asked how many students were taking vocational education courses. I wanted to know whether schools at least were preparing kids for the world of work.

Once you get the hang of queries, they can be fun. The best part comes when you have your searches and sorts all set up and you push the bright red exclamation point at the top of the screen. Almost instantly, a table appears with all the information you asked for, perfectly organized and easy to understand.

I knew I was on to an important story when I looked at the tables and found myself facing rows of zeroes under enrollments in intermediate algebra, chemistry and vocational education. It meant the schools weren't even offering these courses to kids. How then, could they claim to be educating them at the same levels as regular schools? The same pattern turned up when I checked the numbers of students who met requirements for getting into a state university.

For the story and graphics, we zeroed in on the 18 largest independent study schools in our area. Before publishing, I called the principals or directors of each school to let them know my findings and to make sure there weren't any variables that would have affected the computer results. I am glad I made these calls because in a couple of cases there were extenuating circumstances that required recalculations or asterisks in the charts.

Internal reviews

We called the report "On Their Own." The main story was long, about 100 inches, and was accompanied by charts and graphics, photos by *Bee* photographer Bryan Patrick of students doing things like watching TV and dusting their bedroom, and a sidebar on one boy who was bored and frustrated in independent study.

The story was a tough one, and we took a lot of heat for it. Many of the independent study schools enroll home-schooled students, and their parents came unglued. They viewed our critical look at independent study as a slam against home schooling, despite caveats to the contrary in the story.

But we also saw results. The *San Francisco Chronicle* had been publishing strong stories at the same time exposing abuses at specific charter schools that offered independent study. Legislation was passed calling for greater scrutiny and possible funding cuts of independent study in charter schools. Locally, the district that was running the giant 4,000-student independent study program began internal reviews and reforms. And we heard from parents who said the package of articles confirmed their private concerns and gave them the ammunition they needed to get their kids out of independent study.

Unfortunately, I also heard that some of the students quoted and photographed in my story were harassed by teachers and school staff. The adults criticized the kids for bad-mouthing their schools and threatened to take away the credits they had been given for doing vacuuming, babysitting and cooking meals.

One more piece of advice I have for others tackling tough educational issues: I encountered a lot of resistance and objection from the educational community while researching this story. Educators kept talking about how behind the kids were in their studies, about how they were different and therefore needed a different kind of education. In other words, lower standards for lesser kids.

I would encourage any journalist who encounters such low expectations on the part of taxpayer-supported educators to go back and read the original law behind such public education programs – it is doubtful you will find language that permits lower standards for certain kids. In the case of independent study, the law clearly stated that the programs had to be as good or better than traditional programs. My advice: Hang onto such truths – they will keep you focused and strong.

Bryan Patrick | The Sacramento Bee

Kevin Dunham buses food at a retirement home for an elective "life skills" credit. Independent study is supposed to match or exceed the standards of regular schools.

Deb Kollars is a senior writer at The Sacramento Bee. She has covered many different subjects, ranging from education to the arts to City Hall, and most recently has been working as a projects writer specializing in education.

MEMORIES OF WAR

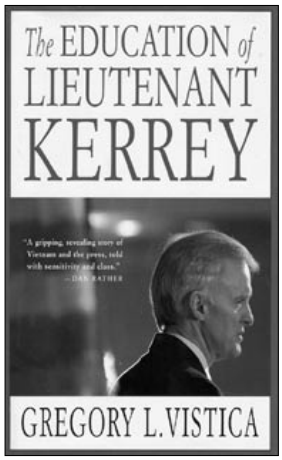
Book provides insight into Kerrey investigation

By Steve Weinberg
The IRE Journal

Gregory L. Vistica is no stranger to uncovering scandal. While a *San Diego Union-Tribune* reporter, he exposed a U.S. Navy sex scandal that became known as Tailhook. He turned his newspaper exposes into a book, "Fall From Glory: The Men Who Sank the U.S. Navy." Vistica's reporting helped ruin a lot of careers, all the way up to admirals and the secretary of the Navy.

"Some deserved it, some did not," Vistica says in retrospect. "The experience left me with a desire to infuse my work with a greater sense of forgiveness. I wanted to treat peoples' misdeeds less in black and white and more as part of their fallibility as human beings. In essence, I wanted to love the sinner and hate the sin."

Vistica eventually moved to *Newsweek* magazine. One day during May 1997, a trusted Navy captain who had served as a special forces SEALs (sea/air/land) operative during the Vietnam War and afterward, returned a call from Vistica about Bob Kerrey.



The Education of Lieutenant Kerrey, By Gregory L. Vistica, Published by St. Martin's Press, $24.95, 296 pages.

Kerrey, a Democratic U.S. senator, former Nebraska governor, and SEAL, was thinking about running for the White House, as he had done during 1992. Vistica had already talked to numerous SEALs about the personable, handsome, glamorous senator considered an honor to the SEAL tradition.

The unidentified Navy captain told Vistica that Kerrey led a SEAL mission during the war that went badly, but remained secret. The captain had heard about the mission years earlier from one of the men in Kerrey's unit, Gerhard Klann.

In his new book, "The Education of Lieutenant Kerrey," Vistica remembers, "I hung up the telephone, my thoughts racing from disbelief to excitement over a potentially huge news tip. I also realized that I needed to exercise extraordinary care. At stake was the reputation of a man thought not only to be honorable, but even a truth teller in a town full of spin doctors."

For the next 13 months, Vistica gathered information, coming to understand that the controversial SEAL mission happened in February 1969 around Thanh Phong, Vietnam. The seven-man unit commanded by Kerrey was supposed to destroy the village – without casualties on either side, if possible. Instead, at least 21 unarmed Vietnamese children and women ended up dead, a probable war crime.

SEALs don't talk

During June 1998, Kerrey and Vistica met for the first time – at a *Newsweek* lunch called by the magazine's political reporters to interview Kerrey. Vistica asked no questions during the lunch, but walked Kerrey to the exit. "I've been doing some reporting on your military record," Vistica told the senator. "About your time in Vietnam, your other missions, not just the Medal of Honor one." Kerrey said he knew that, based on calls from SEALs already contacted by Vistica. "When you're ready to sit down and talk, just give me a call," Kerrey said, adding, "You know, SEALs don't talk." Vistica said nothing, but already knew Kerrey was wrong on that point.

Klann seemed the most likely from Kerrey's unit to talk candidly. After unanswered letters and telephone messages, Vistica drove from Washington to Klann's residence near Pittsburgh. It was the beginning of numerous conversations with Klann that helped nail down the expose.

It was time for a confrontation interview with Kerrey, who seemed just a few days away from officially announcing a run for the White House. In December 1998, Vistica traveled to Nebraska, where Kerrey had agreed to meet. Accompanying Vistica was Evan Thomas, a *Newsweek* editor and book author. The interview proceeded slowly.

"I was reluctant to jump right into Klann's allegations," Vistica says. "How do you ask a man if he was a murderer?" Eventually, Kerrey began providing his version, which did not always agree with Klann's. After one moment of relative candor, Kerrey fell silent. "We didn't come to draw moral judgments," Vistica said, hoping to re-start the dialog. Thomas added, "This is not a gotcha story. We have some documents we want to talk to you about and show you, and there's some memories of your mates that we want to walk you through." Kerrey resumed the conversation.

At the end of the interview, Vistica felt conflicted. He regretted that he would probably be ruining Kerrey's career, but he knew it was an exceptionally powerful interview. Eager to publish quickly, Thomas wrote a draft in less than a day, which Vistica found "surprising and distressing." He acknowledged that Thomas "had written gracefully of Kerrey's remorse and how he had lived for years with such a terrible secret. But nowhere in the elegant prose was there any mention of Gerhard Klann's more troublesome account, which represented nearly two years of reporting. It was Kerrey's confession, and nothing more. The piece, as

written, would evoke tremendous sympathy and forgiveness."

Undermining the story

Less than a week later, Kerrey announced he would not seek the White House. With that, *Newsweek*'s editors killed the story about Kerrey's actions in Vietnam.

"Evan Thomas said it would unfairly be piling on," Vistica recalls. "Kerrey's people had done their best to undermine the story. They telephoned *Newsweek*'s senior editors to say I had gotten Gerhard Klann drunk and promised to make him rich from a book and movie deal. I thought such smears were beneath Kerrey, but, as I learned later, they would be standard practice when it came to Klann's story."

The "later" occurred after Vistica quit *Newsweek* and pitched the Kerrey story to both *The New York Times* Sunday magazine and CBS 60 Minutes II. Kerrey left the U.S. Senate, retiring after two terms. He became president of the New School University in New York City, but still felt conflicted and continued talking to Vistica. Then Kerrey agreed to a preliminary interview with Dan Rather for 60 Minutes II, which was compelling but somewhat vague. Vistica again returned to his research, bolstered by 60 Minutes II producer Tom Anderson.

Drawing on the television news magazine's substantial budget, Anderson sent veteran cameraman Derek Williams to shoot footage around Thanh Phong. Unexpectedly, villagers talked to Williams, presenting damning recollections of the massacre by American troops. He did preliminary taping to document what villagers were saying, but was joined by Anderson for more intensive reporting. Additional interviews were requested of Kerrey, who was becoming more distressed at the questions, and thus less forthcoming.

But the journalists possessed plenty of solid material. *The New York Times Magazine* piece ran, followed by the 60 Minutes II account.

Kerrey did his best to discredit the damning details, salvaging his image and career as best he could. In reply, Vistica gives us a book-length account. It is a worthy, fascinating, important book for every journalist.

Steve Weinberg is senior contributing editor to The IRE Journal and a former executive director of IRE.

LEGAL CORNER

2002 E-Government Act could assist in access, but questions abound

DAVID SMALLMAN

The E-Government Act of 2002, recently signed into law by President Bush, seeks to "enhance the management and promotion of electronic government services." The contours of the new law suggest a laudable framework of measures requiring "Internet-based information technology to enhance citizen access." But is there a wolf lurking within the fuzzy rhetoric? Maybe.

Title III of the Act – the Federal Information Security Management Act of 2002 – has the ring of Orwellian doublespeak, and with good reason: it immediately implements interim provisions of Title X of the Homeland Security Act of 2002. Already infamous provisions of that law include a broad new FOIA exemption for infrastructure data provided to the government by private industries.

Perhaps more encouraging, but still worthy of close attention during implementation, Title I of the E-Government Act focuses upon access to government information. Section 207, for example, establishes an Interagency Committee on Government information, which will study and oversee improvements in the way government information is organized, preserved, and made available to the public. Section 206 requires regulatory agencies to make available on accessible government Web sites information about the agency; Section 208 requires federal government agencies to develop "Privacy Impact Statements; Section 204 authorizes development of an integrated Internet-based system to provide the public with consolidated access to government data.

Of particular note, Section 205 of the E-Government Act requires federal courts "to provide greater access to judicial information over the Internet." This provision contains an intriguing mandate by Congress to roll back and perhaps eliminate fees charged for PACER and related federal court data. A concept previously championed by IRE in its public comment to the Judicial Conference (www.ire.org/history/pr/courtrecords.html), the specific details appear in Subsection 205(e).

It amends existing law regarding the fees that the Judicial Conference prescribes for access to electronic information: instead of allowing the Judicial Conference to charge fees that it deems "reasonable," the law now mandates that the Judicial Conference "may, only to the extent necessary, prescribe reasonable fees" for collection by the courts for access to information available through automatic data processing equipment. Although not stated expressly in the language of Subsection 205(e), the Senate Report accompanying the legislation stated that: "The [Senate Committee on Governmental Affairs] intends to encourage the Judicial Conference to move from a fee structure in which electronic docketing systems are supported primarily by user fees to a fee structure in which this information is freely available to the greatest extent possible." The Report further notes that users of the current electronic access system (PACER) are currently "charged fees that are higher than the marginal cost of disseminating the information.

Related provisions suggest the possibility of increased electronic access to court records at substantially lower costs, but with certain caveats. Subsection 205(a) requires the U.S. Supreme Court and each federal circuit, district, and bankruptcy court to establish a Web site that contains, among other things, docket information for each case, as well as access in a text searchable format for all written opinions – even if not published in the official court report – that are issued by the court.

Subsection 205(d) requires the Judicial Conference of the United States to explore the feasibility of technology to post online dockets with links allowing all filings, decisions, and ruling in each case to be obtained from the docket sheet of that case. Subsection 205(b) requires that information on each Web site be updated regularly and kept reasonably current, but electronic files and docket information for cases closed for more than one year are not required to be made available online (except for written decisions issued after the effective date

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David B. Smallman, The IRE Journal's contributing legal editor, is a partner in the law firm of Steinhart & Falconer LLP. He is First Amendment counsel to IRE and NICAR and a member of IRE's First Amendment task force.

FOI report

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discharged jurors.

The Philadelphia Inquirer challenged the court's order and lost at the trial court level. On appeal, the New Jersey Supreme Court affirmed the lower court's decision and expanded the order to prohibit communications with the press initiated by the discharged jurors. It reasoned that it was necessary to ban juror interviews to prevent the prosecution from obtaining an unfair advantage in the retrial of the defendant by the disclosure of information regarding the jury's deliberations.

In a friend-of-the-court brief filed by The Reporters Committee for Freedom of the Press, several media groups urged the U.S. Supreme Court to accept the *Inquirer's* petition for review of the case. The brief contends that the court's order prohibiting juror interviews was an unconstitutional prior restraint that "severely restricts the First Amendment rights of the press and limits the exchange of information about the administration of justice in our society."

Although after media intervened the court vacated its order, the Missouri Supreme Court established rules that would have closed access to juror lists and will continue to close access to juror questionnaires in Missouri.

Electronic access

Access to electronic court records is at a pivotal point as courts decide what they will and will not make available.

Starting in 2001, the Justice Management Institute and the National Center for State Courts developed a model on electronic access to court records. The groups listened to testimony from those advocating for open access to online court records and those who claimed that stalkers could use court information to invade individuals' privacy.

According to an analysis by The Reporters Committee, the guidelines the organizations produced do not provide for public access. The guidelines actually have the potential to discourage states from making court records fully available electronically.

In October 2002, reporters for WOAI-San Antonio (formerly KMOL) used electronic court records to show that thousands of accused criminals in Bexar County, Texas, were getting off the hook because the justice system there couldn't process their cases fast enough. (See *The IRE Journal*, November-December 2002.)

The *Tulsa World* has asked a federal judge to make public a database of police data including officers names, complaints, pedestrian stops and other information created as part of a settlement in a police discrimination lawsuit. A hearing was held Jan. 29.

Access to such information is important to the newspaper.

When the *World* wanted to look at juvenile court outcomes, reporters had to build their own database using paper records. Reporters requested a redacted version of the database, but an exemption in the open records law allowed the courts to withhold the data.

"If I had the database, we really could have had a clearer picture of how the system was working," said Ziva Branstetter, projects editor for the *World*.

"A court record is one of the most fundamentally public records in our society," Branstetter said. "You're talking about taking someone's freedom in a criminal case or someone's money in civil. The public has a right to know how the courts are operating."

From the IRE offices

CONTINUED FROM PAGE 4

Last year, the IRE Board of Directors made our international work a top priority. Both the board and our members recognize that doing better investigative work means improving the connections to journalists throughout the world.

In recent years, requests to IRE for international contacts and resources have soared from members at local U.S. news organizations, especially following the terrorists' attacks. But even before that, the requests increased because of stories on immigration, businesses going overseas, labor abuses and public health issues. We also see this as a time when journalists everywhere can work together, even when their countries can't.

We understand that international investigative journalism has many challenges because of different cultures, religions and ideologies – and because journalists in many countries are just discovering standards of investigative journalism that IRE has long espoused. But we are sure that the cooperation is vital to better journalism and we are doing all we can to encourage it.

Toxic workplace

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The trial was under way and expected to last weeks. Even though the judge in the case had assembled the largest jury pool in DuVal County history, and tens of millions of dollars were at stake, no other journalists were covering the case. I persuaded my editors to send me, and managed to arrive just as closing arguments began. The timing could not have been better. Ironically, CSX was arguing in court that its workers had sustained "actual injuries" under terms of the insurance policies even while continuing to say that the workers were not sickened by the chemicals.

While seated in the courtroom, I saw an exhibit from the railroad projected against a white wall. It was then passed to the jury foreman sitting just 15 feet from me. I wanted to lunge for it right then and there. It was a listing from CSX of all its solvent cases dating back a decade, including workers' names and settlements.

I asked the clerk for the exhibit. She said she would have to mail it to me, after the trial. Amazingly, she did.

It confirmed what we knew and went a little further. It showed that CSX alone had paid out up to $35 million to 466 current or former workers who had worked in its shops, or the shops of its predecessor railroads, dating back to the 1960s. We had pieced together similar numbers, through our reporting, but this was a huge discovery. For the first time, we knew the amount of money each worker had received – something that the workers and their lawyers said they had agreed to keep secret.

Since the four-day series ran, the federal government agreed to fund its first major study on the solvent-exposed railroad workers. And a university watchdog agency within the Office of Health and Human Services has been investigating whether University of Michigan researchers hired by the railroad violated ethics codes when they used medical records of the workers in a CSX-funded research project without their permission.

James Bruggers covers environmental topics for The (Louisville) Courier-Journal. He has written professionally about the environment and other topics for 20 years in Montana, Alaska, Washington, California and Kentucky. He served as president of the Society of Environmental Journalists from October 2000 to October 2002.

Member News

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the South Asian Journalists Association (SAJA) for 2003. The group serves 800 journalists in the U.S. and Canada. Kalita also has moved from *Newsday*, where she was a business reporter, to *The Washington Post*, where she covers Fairfax County education. ■ **Joe Kolman**, previously with the *Omaha World-Herald,* now works at *The Idaho Statesman* in Boise, where he covers issues related to population growth. ■ **Dave Levinthal** has joined *The Dallas Morning News*, where he works as the Arlington government reporter. ■ **Mitch Lipka** has left the *South Florida Sun-Sentinel*, where he worked on the consumer beat, to take a position at *The Philadelphia Inquirer*. He now writes enterprise stories and general assignment from the New Jersey statehouse in Trenton. ■ **Lee McGuire**, formerly an investigative reporter at KTVB-Boise, is now a political reporter at KVUE-Austin. ■ **Tony Ortega** is now associate editor of *Phoenix New Times*. He has returned to the publication after spending three years at *New Times Los Angeles*. ■ **Terri Somers** has left the legal affairs beat at the *South Florida Sun-Sentinel* to cover biotechnology at *The San Diego Union-Tribune*. ■ **Brent Walth** of *The Oregonian* received the 2002 Debby Lowman Award for Consumer Affairs Reporting for his assisted-living series, "Assisted Living at Any Cost." The award is given as part of the 2002 C.B. Blethen Memorial Awards for Distinguished Newspaper Reporting. Walth's story, which he wrote with Erin Hoover Barnett, was featured in the November-December issue of *The IRE Journal*. ■ **Derek Willis** has left *Congressional Quarterly* for a job at the Center for Public Integrity, where he is working on a project tracking the finances of state political parties. Willis also compiles IRE's new Web log "Extra! Extra!" (See page 5). ■ **Alison Young**, formerly deputy metro editor at the *Detroit Free Press*, is now a member of Knight Ridder's new investigative team. The Washington-based team will focus on national and international investigations.

Phantom classes

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Cost to taxpayers

To put hard numbers with the story, Natalya Shulyakovskaya, an investigative reporter specializing in data analysis, joined our team. She requested electronic records from the statewide chancellor's office, which has been collecting data from the state's 108 community colleges since 1992. The database recorded every class every college had offered, tracked enrollment and recorded information on faculty teaching each section of every class. It had most of the pieces necessary for our analysis.

But the chancellor's office did not want to release the data, citing the federal Family Educational Rights and Privacy Act that prohibits release of easily identifiable student records.

As we negotiated for the data, the entire crew went undercover. All three of us put on our shorts and running shoes and went to high schools to quietly observe 34 P.E. classes held in Orange County – initially without revealing our presence.

We encountered empty gymnasiums, three-hour football practices where some 50 minutes of it counted as a college course, and coaches – whose community college schedules showed they were supposed to be conditioning athletes – killing time on the sidelines.

Our demands for statewide data continued to be rejected, and ultimately, we had to appeal to state legislators to pressure the chancellor to give us the data. After two months of negotiations, e-mails and letters, we received millions of individual records from 10 years. While it wasn't everything we asked for, it was enough.

Shulyakovskaya's painstaking data analysis showed that while the entire community college enrollment grew by 20 percent in the last 10 years, Bridge P.E. increased seven-fold.

To find out the cost to taxpayers, Shulyakovskaya downloaded five years worth of community college district funding reports and parsed them into a funding database. Numbers from statewide budget workshops for college administrators provided additional pieces for fiscal analysis.

Our most conservative estimate was that in the 2001-2002 academic year alone, community colleges received at least $56 million in taxpayer funding based on enrollment generated by P.E. classes for high-school athletes.

Meanwhile, our questions had been raising eyebrows in Sacramento, and state auditors also decided they wanted to know much more about high school Bridge programs and how much they were costing the community college system.

To our horror, the governor's midyear budget revisions came out – and recommended cutting $80 million from community college budgets, based in part on our reporting (even though the story had not yet been published).

To beat other news organizations becoming interested in the story, we published our series 48 hours later. The response? State officials decried the practice and recommended it be stopped, while legislators called for an audit. Public outcry was high, and many colleges quickly abandoned the practice.

As the tips keep coming in, we know this is a story we aren't done with yet.

Marla Jo Fisher has reported for The Orange County Register for eight years, where she has covered general assignment, Disneyland, stadium issues and now higher education. Before that, she was an investigative reporter for the San Gabriel Valley Newspapers. She has won national awards for her work.

Legal corner

CONTINUED FROM PAGE 41

of the E-Government Act).

And of particular concern, Subsection 205(c) provides that the Supreme Court shall prescribe rules to protect privacy and security concerns relating to electronic filing of documents and the public availability of documents filed electronically. A year after promulgation of rules by the Supreme Court, and every two years thereafter, the Judicial Conference shall submit to Congress a report on the adequacy of the rules to protect privacy and security.

Clearly, this will be a process that bears close scrutiny for those engaged in newsgathering based upon court records, and by everyone concerned with presumptive rights of public access to such information.

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